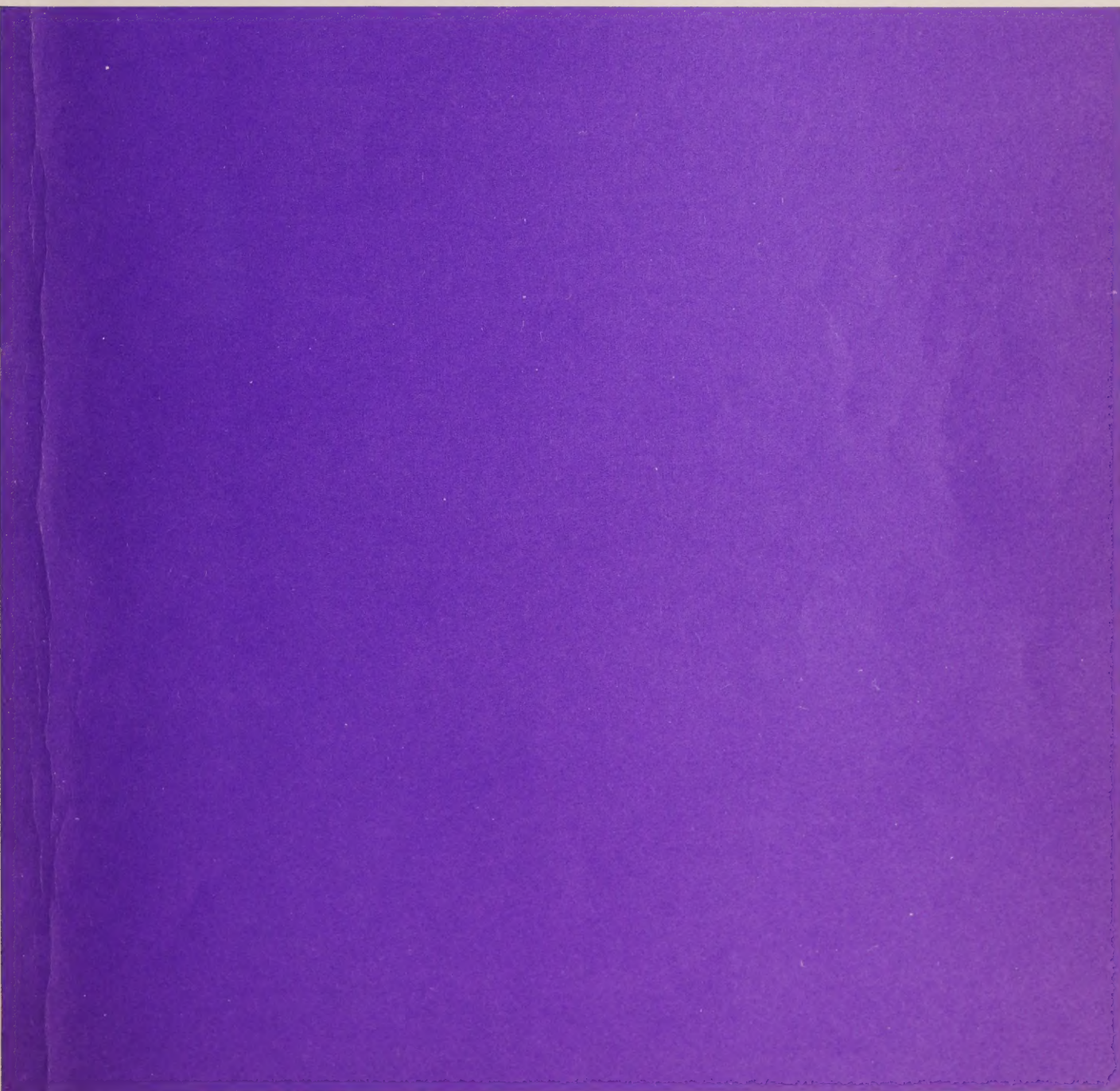


Homicide in Canada

A STATISTICAL SYNOPSIS



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STATISTICS CANADA

Justice Statistics Division

HOMICIDE IN CANADA

A STATISTICAL SYNOPSIS

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PREFACE

This special study of homicide in Canada is a product of the Homicide Program in the Justice Statistics Division. It is a synopsis of essential statistical information which has been gathered and some of it published in annual and other reports since 1961. There is much in this study, however, that is new in content and in form or detail of presentation.

Since the meaning of these statistics can be better appreciated with some knowledge of the historical developments in our laws dealing with homicide, an outline of the historical foundations and developments of homicide law has been included as an appendix. For those readers who might wish to have additional statistical information or material pertaining specifically to legal aspects of murder and other types of homicide, a short list of sources of such information will be found in the Selected Bibliography at the end of this report.

This study and the Homicide Program on which it is based are the result of effort and co-operation by a great many people. It has been made possible above all by the basic data and other assistance provided each year by police forces and courts across Canada. The Ministry of the Solicitor General of Canada contributed to financial costs of the special processing of data necessary for this study. Professor Norman Bell and Mr. Michael Benjamin of the University of Toronto and Professor James Ortego of the Dalhousie University School of Law assisted directly in the preparation of parts of the report. Consultative assistance was also provided by staff of the Ministry of the Solicitor General, the Department of Justice and the Law Reform Commission of Canada.

The study was carried out and its report was written by research staff of the Justice Statistics Division: Paul Reed, Assistant Director (Research); Teresa Bleszynski, Senior Analyst and Robert Gaucher, Analyst. Questions prompted by the contents of this report should be addressed to them. Readers are encouraged to send comments and suggestions for improvement as well as their queries to the Justice Statistics Division, Statistics Canada, R.H. Coats Building, Tunney's Pasture, Ottawa.

It is my hope that this report will help Canadians everywhere to understand better a complex and important aspect of our society.

PETER G. KIRKHAM,

Chief Statistician of Canada.

FOREWORD

Statistics on crime and justice have been published in Canada since 1876 by Statistics Canada since the early 1920's. At the present time, the Justice Statistics Division (formerly the Judicial Division) of Statistics Canada is responsible for compiling and publishing national justice statistics and this Division provides a variety of statistical information on crime, the structure and activities of law enforcement agencies, court proceedings and on correctional institutions and parole programs.

In the late 1950's, it was decided that special attention should be given to providing more detailed statistics on homicide in Canada, and a Homicide Statistics Program was launched in 1961. This program has produced a number of publications: annual reports (Murder Statistics, Catalogue 85-209) and a 10-year review (Murder Statistics 1961-70, Catalogue 85-503) which included as appendices a special study of Murder During the Commission of Another Criminal Act (1961-70), a 10-year Firearm Study and a 10-year Study of Murder During the Commission of the Criminal Act of Rape or Sexual Assault (1961-70). Two other reports have been released in mimeographed form: Firearms and Murder in Canada 1961-74 and Policemen and Custodial Officers Murdered 1961-74.

The Homicide Statistics Program has a number of distinctive features. Whenever a suspected homicide is reported to or found by police, information on that homicide is transmitted on a special reporting form to Statistics Canada. (A copy of the form is appended at the end of this study.) This police-reported information becomes the basis of a file which is opened for each individual homicide incident; to the file is added, as it becomes available, information from courts on the legal proceedings and legal status of the case. All active cases are monitored continuously and from time to time information may be solicited by Statistics Canada from police, court or correctional sources to bring the file up to date. The file is considered complete but not necessarily closed after all possible appeals have been disposed of by the courts.

Each file consists of three kinds of information: data on the nature and circumstances of the alleged homicide, data on characteristics of the suspect(s) and the victim(s), and legal data on the type of charge laid, legal decisions that have been taken prior to and during trial, the court disposition and sentence (including changes on appeal) and probation or parole status where applicable. By virtue of having these different kinds of information integrated on a single file for every incident, it is possible through statistical analysis to paint a detailed picture of the many patterns and variations in homicide. The present study has attempted to exploit this to the fullest.

The Homicide Program of the Justice Statistics Division is not the only source of information on homicide in Canada, however. As one category of mortality statistics, figures on homicide are also compiled by the Vital Statistics Section of the Health Division of Statistics Canada. Figures prepared for vital statistics purposes differ for two reasons from those of the Homicide Program: they are based on data from different sources and according to different definitions and rules of counting. While the basic data in the Homicide Program is provided by police forces across Canada, Vital Statistics figures are based on reports from death certificates provided by Provincial registrars. In the Homicide Program, homicide is defined so as to include all suspected cases of criminal homicide (murder, manslaughter and infanticide)

occurring in Canada, regardless of whether a suspect has been identified in the killing; it does not include Canadian residents killed in other countries. Homicides as tabulated by the Vital Statistics Section are all deaths purposely inflicted by another person as officially recorded on provincial death certificates.

All deaths due to murder, infanticide, non-accidental manslaughter, assaults (by any means) and poisonings are included. Excluded are deaths due to manslaughter, assault and poisoning reported by coroners as accidental, homicides resulting from action by police and legal executions. Vital Statistics' homicide figures include the homicide deaths of Canadian residents occurring in the United States and exclude the homicide deaths of all non-Canadian residents occurring in Canada.

Work on this report has been in process for more than a year. It was initiated in January, 1975 in the belief that analysis and publication of the detailed Statistics Canada data on homicide would increase understanding of this social phenomenon.

Measuring such a complex phenomenon as homicide has involved careful review and analysis of the data referred to earlier, as well as decisions as to what information could most usefully be assembled in this publication. The contents of this report represent a small portion of available statistical information, which has been carefully selected and presented to convey the most important knowledge in a limited number of pages. We anticipate that more information will be presented in further publications and to the extent that limited resources permit, the Justice Statistics Division will make unpublished material available for further analysis by interested persons. It will usually be necessary to charge the marginal cost of retrieving and assembling such material. Inquiries should be addressed to Paul Reed, Assistant Director (Research), Justice Statistics Division.

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Institutional and Public Finance
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TABLE OF CONTENTS

	Page
1. Introduction	1
2. What Canadian Law Says About Homicide	3
3. How Much Homicide?	7
4. The Types and Circumstances of Murder	17
5. Characteristics of Persons Involved in Murder and Manslaughter	81
6. Legal Proceedings and Court Dispositions of Persons Charged with Murder	105
7. Additional Information on Convicted Murderers and Persons Suspected of Murdering More than Once	145
8. Summary	171
Appendix	
A Review of the Historical Foundations and Development of the Law of Homicide in Canada	177
Selected Bibliography	189
Glossary	191
Homicide Reporting Form Used by Police	199

SYMBOLS

The following standard symbols are used in Statistics Canada publications:

- .. figures not available.
- ... figures not appropriate or not applicable.
- nil or zero.
- amount too small to be expressed.

CHAPTER 1. INTRODUCTION

From time to time in the affairs of every society, one issue acquires special and continuing prominence. That issue becomes the focus of widespread individual concern and the topic of much public debate. It touches the very nerves, the most basic beliefs and values and sometimes the laws, of that society.

Murder is just such an issue in Canadian society today. To citizens and their government, the incidence of murder is a matter of preeminent concern for a variety of reasons: for how it is thought to threaten personal and public safety, for what it is believed to indicate about the "health" of Canadian society and for the controversy it has aroused in the process of legislating appropriate ways of dealing with this most violent of criminal acts. Much of the concern and debate is based on discussion of the amount or rate of murder and the apparent acceleration in this and other kinds of violent crime; that there are more murders every year, it is argued, should be cause for alarm and should compel us to take whatever measures are necessary to halt this increase. Too few questions have been asked, though, about the nature of murder, about what kinds of people murder what kinds of victims under what circumstances. Perhaps this stems from the common belief that because every act of murder is so reprehensible, individual variations in the nature of the act don't really matter much. It may also stem from the widespread but questionable image of all murderers as dangerous persons, more often than not with a criminal record and generally alike in the threat they pose to the social order, and the image of victims as innocent parties to their death. As well, too few questions have been asked about how our society responds when it finds that a murder has been committed, about how persons charged with murder are actually dealt with by our justice system; how many are tried, how many are acquitted or convicted and the kinds of sentences given to those who are convicted.

But whenever such questions have been asked, the answers frequently have been incomplete, difficult to get, or simply not possible through lack of necessary information. The need for more and better answers has prompted this report; it presents a comprehensive picture, in statistical terms, of murder in Canada since 1961. It is not a statistical picture of murder alone, though. Murder is one type of act, in addition to manslaughter and infanticide, in the more general category of criminal homicide, the unlawful killing of one person by another. Establishing that a known homicide was a murder rather than a manslaughter is a special and sometimes difficult responsibility of the courts and it is not always successful. If murder cannot, in many cases, be differentiated from manslaughter by judicial analysis, it cannot be done in a statistical analysis either. Hence, both must be examined together (along with infanticide) as homicide. This report deals with all cases reported as criminal homicide in Canada between 1961 and 1974, with murder and manslaughter being treated separately wherever the statistical data permit.

Two things should be noted about these statistics on homicide in Canada. First, homicide is one of a number of forms of non-natural death and it is informative to see the incidence of homicide in context with all types of non-natural death. Some major types of non-natural death (that is, preventable and/or not due to natural causes) in addition to criminal homicide are these: (i) non-criminal death occurring at the hands of someone else as a result of an accident or negligence (as in vehicle or sporting fatalities, or fatal industrial accidents); (ii) death resulting from inadvertent exposure to man-caused occupational and environmental hazards such as some metals and chemicals and radiation; (iii) accidental death not occurring at the hands of someone else (as in fatal falls, poisonings, or drownings); (iv) death resulting from self-induced health risks which are the product of excessive consumption of alcohol, food, tobacco, or drugs and (v) directly self-inflicted death (suicide). Although homicides are counted in somewhat different fashion for vital statistical purposes than

for justice statistics (as explained in the foreword), Canada's vital statistics show criminal homicide to be much less frequent than any other type of non-natural death; they show that in 1973, for example, there were five times as many deaths from cirrhosis of the liver (generally self-induced by excessive consumption of alcohol) as there were recorded homicides and 12 times as many deaths from lung cancer (many precipitated by smoking). Recorded homicides were outnumbered by motor vehicle fatalities 12 to 1, by industrial accident deaths 1.6 to 1, and by other miscellaneous accidents 8 to 1. Suicides in 1973 were five times more numerous than homicides.

Second, homicide is not a simple, unitary phenomenon and its statistical description cannot be simple. Measurement of the occurrence and properties of homicide incidents is affected first of all by the definition which is used and by how those incidents are identified and reported. All figures on homicide in Canada prepared by the Justice Statistics Division of Statistics Canada are based on the formal legal definitions (outlined in Chapter 2) of criminal homicide and on reports provided largely by police forces. Because these statistics deal only with criminal homicide, they do not show the full extent of homicide in the broadest sense of the term, all deaths which are caused by other persons. The reasons for this are legal and medical in nature. For example, a death caused by criminal negligence for which someone is charged with "manslaughter" would be counted for purposes of justice statistics as a homicide (manslaughter), but if the person in that case is charged instead with "criminal negligence causing death", the death would not be counted for purposes of justice statistics as a homicide.

Further, certain killings are considered non-criminal and therefore justifiable: those committed by police officers acting in the course of duty and those by execution (called "death due to legal intervention"), and those committed by citizens under special circumstances such as self-defence.

Where certain kinds of non-natural death occur for which the law does not specify any legal responsibility or where legal responsibility cannot be clearly established, motor vehicle or industrial accident deaths, for example, or those resulting from the unwitting exposure to such man-made hazards as radiation or organic mercury or vinyl chloride, those deaths are not classified as criminal homicides. In cases where police and medical authorities establish to their satisfaction and according to existing legal criteria that a death was probably caused by a criminal act but cannot identify or apprehend the person or persons responsible for the death, that death is counted nonetheless as a homicide. Finally, in most instances where a death initially reported by police as a homicide is later found by police, medical authorities, or the courts to have been an accident, the statistics are revised to reflect this change. The statistics are likewise revised in cases of deaths initially reported as accidental and subsequently found to be a homicide. No revision of the count of reported homicides is made, however, in those cases where a person charged by police with committing the killing is found to be not guilty by a court.

It is clear, then, that knowing how our laws define homicide and each of its several types is essential to understanding the statistics properly. Awareness of these legal definitions is also important for what they tell us about Canadian society; how our society views certain acts of killing and how our society is prepared to deal with the persons responsible for such acts (through its justice institutions) has been explicitly formalized in statutes pertaining to homicide. The next chapter summarizes the essential content of Canada's homicide law and its changes since 1961. The appendix provides an outline of the historical foundations and development of homicide law in Canada.

CHAPTER 2. WHAT CANADIAN LAW SAYS ABOUT HOMICIDE

A homicide occurs whenever one person takes the life of another.

In the eyes of the law, though, homicide is a more complex matter than this simple definition suggests. Canadian law distinguishes quite clearly among several different kinds of homicide according to their seriousness, with most (but not all) specified to be criminal acts, murder, manslaughter and infanticide. Adding further to the complexity, the legal definition of murder and the maximum or mandatory penalty for it have undergone numerous changes since 1961. Prior to September 1 of that year, for example, any person convicted of murder was automatically sentenced to death in Canada; the sentencing court had no discretion in the case. Unless the Governor-general, acting on the Cabinet's advice, commuted the sentence to life imprisonment, the individual would be executed. At present (early 1976), the only homicide for which a person must be sentenced to death is one in which that convicted offender caused or assisted in the death of someone who at the time of the murder was acting in the course of his or her duty as a custodial officer or employee of a prison (e.g., warden, guard, or other permanent employee) or a person employed as a law officer (such as a police officer, constable, or sheriff). The death penalty is also prescribed under certain circumstances for treason and for piracy.

The Current Situation in Canada

Where it deals with the act of one person killing another person, the Criminal Code of Canada uses specialized language in a conceptual scheme that ranges from a general legal definition of the act of causing the death of another person (homicide) to a detailed delineation of the most serious form of homicide, murder.

The law distinguishes first between culpable and non-culpable homicide. Non-culpable homicide is any killing which, because of its nature and circumstances (self-defence, for example), is one for which the person who commits it does not bear criminal responsibility. Non-culpable homicide is not an offence under the Criminal Code.

Culpable homicide, which is punishable under the Code, is defined as homicide which may occur in any of four ways when a person of sound mind causes the death of another human being:

- (a) by means of an unlawful act;
- (b) by criminal negligence;
- (c) by causing another person, by threats or fear of violence or by deception, to do anything which causes his/her death, or
- (d) by wilfully frightening the victim.

Therefore, if the act of the offender who causes the death of the victim does not fit any of these categories, the offender cannot be charged with and/or convicted of culpable homicide.

The Criminal Code distinguishes among three types of culpable homicide: infanticide, manslaughter and murder. This division is made according to the degree of seriousness of the offence and its subsequent punishment, with infanticide at the least serious end of the scale and murder at the other.

Infanticide is the act of a mother who, under certain circumstances, takes the life of her newly-born child. The maximum punishment upon conviction is five years imprisonment.

Manslaughter is defined quite simply as any form of culpable homicide that does not amount to either infanticide or murder, and the maximum sentence is life imprisonment.

Murder, the most serious form of culpable homicide, is classified according to two separate criteria. The first is the definition of murder, which relates to the circumstances in which it occurs and the second is the punishment for murder, which relates to the identity of the victim.

The measure by which the Criminal Code divides murder from manslaughter is the circumstances at the time of the offence. In all cases, the offender's actions must actually cause the death of the victim. For example, if the offender intended to cause the death or to cause bodily harm which the offender knew was likely to cause death and was reckless about whether or not death would ensue, then this is considered murder. It is also murder if the offender had either of these two attitudes towards one person and by accident or mistake, caused the death of another person, even if the offender had no intent to cause death or bodily harm to the victim. It is also considered murder if the offender, in the pursuit of an unlawful act, does anything which he or she knows or ought to know is likely to cause death, and the death actually occurs. It is immaterial in this last case that the offender desired to commit the unlawful act without causing death, or even bodily harm, to anyone else.

It is clear that the law, in effect, presumes the intent required for murder in some cases where the offender was engaged in dangerous conduct. The most frequent example of this presumption in law is found in the Canadian equivalent of the so-called "felony murder" rule whereby a person committing certain serious offences (e.g., arson, sexual assault, robbery) is charged with murder if anyone dies as a result of a commission or attempt to commit the other offence. This rule applies when the offender, in order to facilitate either the commission of the planned offence or to escape from it, intentionally causes bodily harm, administers a stupefying drug, or stops the breath of a person, so as to cause death. It also applies when the offender uses or has in his or her possession a weapon during either the commission of the planned offence or at the time of escape and death occurs as a consequence of the weapon's presence, even if the weapon is a gun that accidentally discharges.

The refinements and distinctions of the law relating to the definition of homicide are carried over into the law relating to punishment for these offences. An offender convicted of murder of a peace officer or a prison employee must be sentenced to death. The only exception to this rule occurs when the offender was under the age of 18 at the time of the murder, in which case the sentence must be life imprisonment. A person convicted of the murder of anyone other than a police officer or prison employee must be sentenced to life imprisonment.

The sentencing scheme of the Criminal Code is, therefore, as follows:

- (a) an adult convicted of infanticide may receive a sentence of up to five years' imprisonment;
- (b) an adult convicted of manslaughter may receive a sentence of up to life imprisonment;

- (c) an adult convicted of murder not punishable by death must be sentenced to life imprisonment; and
- (d) an adult convicted of murder punishable by death must be sentenced to death.
- (e) a juvenile charged with murder may, if 14 years of age or older and at the discretion of a judge, be dealt with in adult court where he is generally subject to the same procedures, dispositions and sentences as an adult. A juvenile dealt with in juvenile court, however, is treated according to different procedures and is subject to different dispositions and penalties.

Changes in Canadian Law Relating to Homicide Since 1961

The question of distinctions between several types of murder and of establishing a fitting punishment for each type has been a recurring subject of deliberation and debate in Canada for nearly two decades. (The more detailed review of historical foundations and development of Canada's law of homicide provided in the Appendix reveals that murder and its punishment have been an important public issue for a much longer period and not only in Canada.)

Since 1961, the definition of one type of murder and the legal specification of its mandatory penalty have changed four times. (There have been numerous other unsuccessful attempts in Parliament to have changes made.) As noted earlier, prior to September 1, 1961, all murder was capital murder with the death penalty being the mandatory sentence. On that date amendments to the Criminal Code took effect; these amendments differentiated between capital murder and non-capital murder, with a different penalty for each. Capital murder comprised premeditated murder, the murder of a police or prison officer or employee, or murder committed during another criminal act, and the required penalty was death by hanging. All other types of murder constituted non-capital murder, for which life imprisonment was the mandatory penalty.

The second change in Canada's criminal law pertaining to murder took effect December 30, 1967, when capital murder was re-defined to include only killing of police officers and prison officers and employees, and all other murders were classified as non-capital. Death remained the required penalty for capital murder and life imprisonment remained the penalty for non-capital murder. The law which effected these changes was to be in force for a five-year experimental period (often referred to as the "first moratorium"), expiring automatically on December 29, 1972. On December 30 the law reverted to the pre-moratorium definitions and penalties (i.e., capital murder being premeditated murder, or murder of a law officer or prison employee, or murder committed in the course of another crime, with death as the mandatory penalty).

On January 1, 1974, the Criminal Law Amendment (Capital Punishment) Act was proclaimed law. By this law, the term "capital punishment" was replaced by "murder punishable by death" and consisted only of killing a law officer or prison employee. Likewise, "murder punishable by life imprisonment" replaced the term "non-capital murder". The punishment for each remained unchanged. These changes in the law constituted the "second moratorium" because they were to have effect until December 31, 1977, after which the law would revert yet again (barring other changes in the interim) to capital murder (premeditated, law officer, prison employee and "during commission" killings) and non-capital murder, with death and life imprisonment as the respective penalties.

These changes since 1961 should be kept in mind when examining the statistics which follow, particularly those pertaining to court dispositions and sentences in Chapter 6.

CHAPTER 3. HOW MUCH HOMICIDE?

Concern in Canada about homicide in general and about murder in particular rests heavily on statistics about the increasing amounts and rates of homicide and murder. There is no single answer to the question, how much homicide and how much murder, takes place in Canada each year?, because there are different ways of measuring their occurrence.

The most standard and basic unit for measuring the amount of murder and homicide is the number of victims killed within a designated period of time. Since every murder of a person constitutes a criminal offence, the term offence is conventionally used rather than victim. Sometimes, though, several persons are killed by the same individual at one place and time. For this reason the term incident is used in referring to every single event in which homicide is committed, regardless of whether it involves one person or more than one. Because of the occurrence of multiple-victim homicide incidents from time to time, the yearly number and rate of such incidents is always lower than the yearly number and rate of homicide offences. Two other terms related to murder and manslaughter incidents (but not as measures of the amount of each) are suspect and offender. Suspects are the persons identified (and in most cases, charged) as having committed a murder or manslaughter. (In any incident where more than one victim has been killed by a single suspect, a separate charge is usually laid against the suspect for each offence.) And murder suspects who are sent to trial and ultimately convicted are referred to as convicted offenders.

The so-called "murder" statistics released every year by Statistics Canada (in Catalogue 85-209) indicate the number of persons in Canada who were reported by police as having been killed by another person through an act of murder. In most of these cases a suspect is identified, charged with the murder, and eventually tried by a judge and a jury. But a considerable number of these suspects are either found to be not guilty of any offence, or are found to be guilty of manslaughter or of some lesser offence. In these latter cases, the court does not find that a murder took place as originally reported by the police. Thus, the figures reported by police represent the number of homicides, not necessarily the number of murders, which occurred during the year. Because murder is an offence which is defined quite precisely by law and because only courts are empowered to determine whether a person's death was a murder or a manslaughter (or neither), the amount and rate of murder should also be estimated on the basis of the number of convictions for murder. While more detailed information on this will be found in Chapter 6, Chart 3.1 shows that a murder rate based on the number of murder convictions is far below the rate of killings (or deaths) initially reported as murders. Although it is somewhat higher than the murder conviction rate, the rate of conviction for all homicide offences is also much less than the rate of deaths initially reported as murders. Neither police information nor court information alone can provide a true measure of the murder rate; the true rate (which probably cannot be known exactly) lies somewhere between the rate of police-reported murder offences (which is higher than the true rate) and the rate of murder convictions (which is lower than the true rate).

There are yet two further ways in which the amount and rate of initially-reported murder (or homicide) may be measured; by counting the number of offences (where one offence is counted for every victim), and by counting the number of incidents (where an incident may occasionally involve more than one victim). Tables 3.1 and 3.2 as well as Chart 3.1 show the differences in amounts and rates produced by these two methods.

Tables 3.1 and 3.2

Table 3.1 presents yearly and total numbers of murder and manslaughter offences (as defined and reported by police) in Canada since 1961. Reported homicide offences have increased steadily over the past 14 years. The sharp increases in 1970 and 1972 were the result of two large mass slayings (a senior citizens' home and the Bluebird Café in the province of Quebec) by arson, and both of these unusual increases were responsible for the apparent decrease in the following years, 1971 and 1973. Not only has the rate of reported murder increased steadily; the annual increase in the murder offence rate appears to be rising as well. Against an average annual increase of 0.05 in the rate during the 1961-67 period, the average increase in the offence rate climbed to 0.14 yearly during the 1968-74 period.

The numbers and rates of murder incidents provide a better measure of changes in the amount of homicide and murder because these measures are not so affected by the fluctuations caused by multiple-victim murders as are offence-based measures. Table 3.2 shows the upward trend in homicide incidents to be more consistent from year to year. It also shows the average annual change in the rate of incidents to be increasing even faster than the rate of offences.

TABLE 3.1. Number of Homicide Offences(1)

Rates per 100,000 Population and Annual Change in Rates, Canada 1961-74

Year	Number of homicide offences		Rate per 100,000 population		Annual change in rates	
	Total murder(2)	Man-slaugh-ter(3)	Total murder	Man-slaugh-ter	Total murder	Man-slaugh-ter
1961	185	48	1.01	0.26	..	..
1962	217	48	1.17	0.26	+ 0.16	-
1963	215	34	1.14	0.18	- 0.03	- 0.08
1964	218	35	1.13	0.18	- 0.01	-
1965	243	34	1.24	0.17	+ 0.11	- 0.01
1966	222	28	1.11	0.14	- 0.13	- 0.03
1967	282	56	1.38	0.27	+ 0.27	+ 0.13
1968	315	60	1.52	0.29	+ 0.14	+ 0.02
1969	347	44	1.65	0.21	+ 0.13	- 0.08
1970	433	34	2.03	0.16	+ 0.38	- 0.05
1971	426	47	1.98	0.22	- 0.05	+ 0.06
1972	479	40	2.19	0.18	+ 0.21	- 0.04
1973	479	66	2.17	0.30	- 0.02	+ 0.12
1974	545	49	2.43	0.22	+ 0.26	- 0.08
1961-74	4,606	623			+ 0.09(4)	0.00(4)
1961-67	1,582	283			+ 0.05(4)	0.00(4)
1968-74	3,024	340			+ 0.14(4)	0.00(4)

(1) One offence is counted for every victim by reporting police departments.

(2) "Total murder" includes all capital, non-capital, and non-specified murder offences.

(3) All manslaughter figures are taken from the Uniform Crime Reporting Program and are not revised annually, as the murder figures are.

(4) These figures refer to the average annual change in rates.

There has been no consistent or cumulative change in the number of reported manslaughter offences. Furthermore, whereas in 1961 reported manslaughter offences made up 20.6% of all reported homicide offences, in 1967 they accounted for 16.6% and in 1974 for 8.3% of all reported homicide offences. It would appear that when the distinction between murder punishable by death and murder punishable by life imprisonment was first instituted in September 1961, there was a move away from reporting homicides as manslaughter offences. A possible explanation for this is that: (a) the provision of a murder charge which did not have the death penalty as the mandatory sentence (i.e., non-capital murder) may have led to the redefinition of homicide offences, formerly defined as manslaughter, to be defined as non-capital murder by police and that (b) administrative considerations, such as the nature and extent of plea bargaining, affected the initial definition of homicides as non-capital murder rather than manslaughter. This latter point takes place within the context of the penalty changes as indicated in (a) above. These are, however, only possible reasons, and the continued absence of any increase in reported manslaughter offences remains an anomalous aspect of homicide statistics.

Not included in these tables are figures showing that the rate of increase in homicide offences has risen during the 1968-74 period (compared to the 1961-67 period) for all provinces but Nova Scotia and Alberta. Regionally, British Columbia shows the most substantial increase in rate between these two periods (up from 2.42 to 4.47), followed by Quebec (from 1.28, up to 2.72) and the Prairies (2.29 to 3.22), with Ontario exhibiting the smallest increase between periods (from 1.60 to 1.93).

Increased rates of manslaughter offences for these two periods are exhibited only by New Brunswick and the Yukon, with very small numerical increases in both cases (ten and three respectively). All other provinces exhibit either stable or decreasing rates of manslaughter offences between the periods 1961-67 and 1968-74.

TABLE 3.2. Number of Incidents of Murder(1)

Rates per 100,000 Population and Annual Change in Rates, Canada, 1961-74

Year	Number of incidents of murder	Rate per 100,000 population	Annual change in rate
1961	173	0.95	..
1962	196	1.05	+ 0.10
1963	192	1.01	- 0.04
1964	199	1.03	+ 0.02
1965	216	1.10	+ 0.07
1966	206	1.03	- 0.07
1967	239	1.17	+ 0.14
1968	292	1.41	+ 0.24
1969	320	1.52	+ 0.11
1970	354	1.66	+ 0.14
1971	395	1.83	+ 0.17
1972	412	1.89	+ 0.06
1973	447	2.02	+ 0.13
1974	499	2.22	+ 0.20
1961-74	4,140		+ 0.09(2)
1961-67	1,421		+ 0.03(2)
1968-74	2,719		+ 0.15(2)

(1) Murder incidents counted here are based on the number of original charges of "Capital murder", "Non-capital murder" and "Murder, not specified". The number of incidents of manslaughter and infanticide were not reported prior to January 1, 1974.

(2) These figures refer to the average annual change in rates.

Chart 3.1

This chart displays yearly rates for various categories of homicide (i.e., offences or victims of murder, incidents of murder, and offences or victims of manslaughter) and the rate of total convictions for murder. The steady increase in rates of reported offences and incidents of murder, as well as the stability of the rate of reported manslaughter offences, are clearly evident. The murder conviction rate has steadily increased but not to the same degree as the rate of reported homicide incidents. The average annual rate of homicide convictions was 79% greater in the period 1968-73 compared with the 1961-67 period, whereas the average annual rate of murder convictions increased 35% between these two periods. This compares with a 64% increase between periods in the rate of reported murder incidents.

This disparity between the rate of increase in reported murder incidents and the rate of increase of conviction is noteworthy. It suggests that the definition of incidents in terms of the perceived nature and seriousness of the incident differs considerably between the police and crown attorneys (who initially define an offence as murder) and the courts (which ultimately define the offence as manslaughter). Administrative considerations are also an intervening factor. While the rate of persons convicted of homicide has increased, this increase is not nearly as sharp as that of reported murder offences and incidents.

Chart 3.1

Rates per 100,000 Population for Murder Offences and Incidents, Manslaughter Offences⁽¹⁾, and Total Convictions, Canada 1961-1974



(1) Figures for manslaughter offences are taken from uniform crime reporting publications 1961-1974.
 (2) 1974 figures are not included since many cases are still in the courts.

Chart 3.2

How do changes in the rate of murder compare with changes in the rates of other types of violent crime?

This chart shows the per cent change in these rates over each of two periods, 1962-67 and 1968-74. Thus, the rate of murder offences in 1967 was 18% higher than in 1962 and 60% higher in 1974 than in 1968. The rate of manslaughter offences increased 4% from 1962 to 1967, while the 1974 rate is 24% less than in 1968. If one examines the five types of assaultive behavior (i.e., murder, manslaughter, attempted murder, wounding and assault) shown in the charts, distinct variations and trends will be seen.

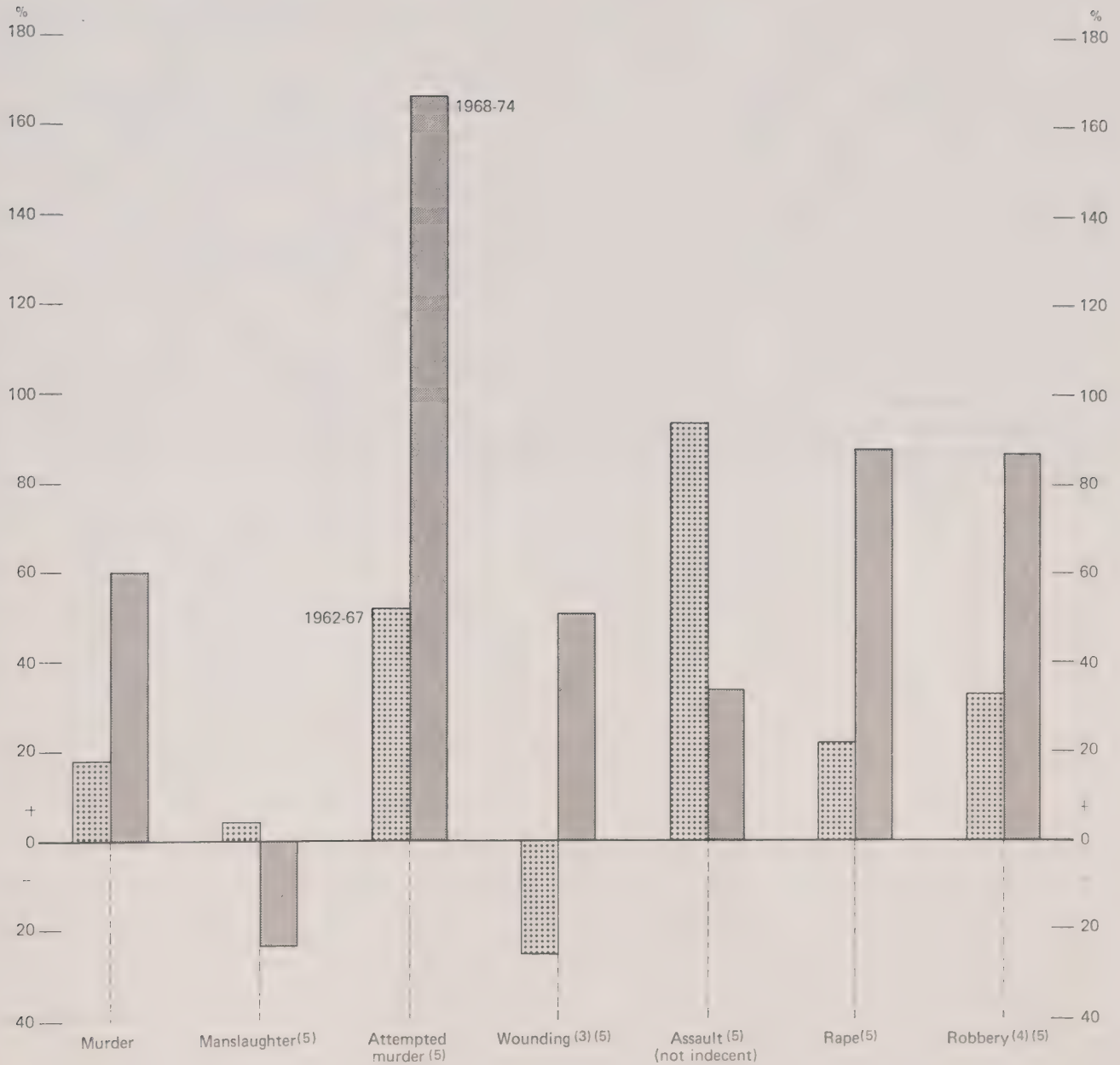
- (a) The most serious offence, "murder", has increased in both time periods, but the increase of 1974 over 1968 is triple the increase during the earlier period. Manslaughter, the other offence in which someone's life is taken by criminal action, has risen slightly in 1967 compared to 1962 but there was a significant drop (six times as great as the 1962-67 increase) between 1968 and 1974.
- (b) Examining the other three types of assaultive behavior, one sees that the rate of "attempted murder offences" has risen from a 52% increase between 1967 and 1962 to a startling 167% increase between 1974 and 1968, a tripling of the increase of the previous period. The rates of wounding offences also exhibit this pattern of a large increase between 1968 and 1974, though a comparison with the decrease in the earlier period must take into account the fact that this decrease is primarily the result of a change in offence classification and reporting practices. However, the rate of assault (other than "indecent") offences exhibits a 94% increase in 1967 over 1962, which is three times greater than the increase in assault changes in 1974 over 1968.
- (c) The rates for rape offences and robbery incidents have increased substantially over these two periods. The over-all increase in rape between 1968 and 1974 was approximately four times the increase reported in the earlier period, while robbery increased three times as much between 1968 and 1974 as it did between 1968 and 1974 as it did between 1962 and 1967.

While many arguments may be presented to explain the increases in violent crime that this chart illustrates, and equally interesting area of concern is the anomalous decrease (in face of the steadily increasing rate for all other offence categories) in rate of manslaughter offences and the sudden reduction in the rate of increase of assault offences.

A likely factor in these anomalies is the policy of law enforcement agencies concerning the laying of charges; definitions of particular kinds of offences and subsequent charges laid, may be changing over time. As was previously noted about the laying of non-capital murder versus manslaughter charges (in light of new legislation and subsequent administrative considerations), the increasing prevalence of more serious offences may be partially attributable to more stringent and severe definitions by involved police departments of certain kinds of criminal acts. Just as the drop in reported manslaughter offences was accompanied by a large increase in reported murder offences, a similar relationship may exist between reported attempted murder and wounding offences and reported assault offences. Specifically, the sharp rise in reported attempted murder and wounding offences is accompanied by a considerable slowing down of the rate of reported assault offences.

Chart 3.2

Percent Change in Rates ⁽¹⁾ of Murder and Other Violent Crimes,
Canada, 1962 ⁽²⁾ - 67 and 1968-74



(1) Rates are calculated on the basis of 100,000 population.

(2) Uniform crime reporting data for 1961 are not available in comparable form, hence the 1962-1967 time period.

(3) The substantial decrease for this category during 1962-1967 is due to a large decrease in 1964.
This decrease is due to reporting and classification changes.

(4) "Murder", "Manslaughter", "Attempted murder", "Wounding", "Assault", and "Rape" categories are based on the number of offences (that is, victims). "Robbery" figures are based on the number of incidents.

(5) These figures are taken from annual police-reported statistics in catalogue 85-205.

However, the overall pattern illustrates that regardless of changes in the administrative procedures or the statistical reporting practices of law enforcement officials, violent crime is increasing in Canada. While murder is not increasing as rapidly as such offences as rape and robbery, it does exhibit a similar pattern.

In sum, while it is evident that the incidence of reported murders in Canada is rising, any conclusions as to the implications (whether for Canadians as individuals or for our society as a whole) of the level and growth of this murder rate must be reached with caution, for several reasons. First, although a death may be reported by police initially as a murder, the final decision as to whether that death was a murder, a manslaughter, or neither, can be made only by the courts. Chapter 6 will show the extent to which court decisions concur with and differ from the initial designations of deaths as murders. Second, murder (and particularly court convictions for murder) is increasing more slowly than most other types of violent crime. Third, the meaning and significance of Canada's murder rate can properly be assessed only with an understanding of the factors which underlie it. The changing age structure of our population, the growing concentration of our population in a few large urban centers, changing values and behaviour patterns — we know that these and other factors bear on the incidence of murder in Canada but in ways that have been only partially explained. Fourth, while it is difficult to make precise comparisons between countries because of variations in legal and statistical definitions, Canada's murder and homicide rates lie midway between those of other industrial societies — Canada's rate is one-quarter that of the United States and two-thirds that of Finland but double the rates of Sweden and Germany.

CHAPTER 4. THE TYPES AND CIRCUMSTANCES OF MURDER

There is an extraordinary range of variation in the kinds of persons, motives, circumstances, and means of killing involved in incidents of murder and homicide. This variation is not random though; careful analysis reveals a number of broadly distinctive kinds of murder incident, with each kind having a set of generally typical characteristics.

This chapter deals with the nature and the circumstances of incidents reported as murder by police in Canada from the beginning of 1961 to the end of 1974. For this reason alone, all incidents have been referred to as murder incidents, despite the fact that a substantial number of these were later defined by the courts to have been manslaughter, not murder, incidents. (Thus, strictly speaking, these incidents should really be referred to as homicide rather than as murder incidents.) The reader should clearly understand, then, that the term "murder incident" is used in this chapter to mean "incidents of killing which were initially defined by the police as murder".

Much of the analysis rests on an initial classification of all incidents in terms of either the existence of an identifiable relationship between the suspect and victim prior to the victim's death, or the occurrence of the killing during commission of another crime. There are, in this scheme, five main types of homicide or murder incident, with two of these further divided into sub-types:

1. Domestic relationship.
 - Immediate family.
 - Other kinship.
 - Common-law.
2. Social or business relationship.
 - Lovers' quarrel or love triangle.
 - Close acquaintance.
 - Casual acquaintance.
 - Business relationship.
3. During commission of other criminal act.
4. No known relationship.
5. Unsolved (i.e., no known suspect).

This chapter has a number of sections, each with a different focus. The first six tables generally describe the extent of each of the various types of murder incidents in Canada, showing regional variations, changes in their occurrence over time, the method(s) of commission of murder, and other salient circumstantial factors (such as the use of alcohol or drugs) in the incidents. Three subsequent sections provide statistical information about three particular types of murder incident: murder which occurs during commission of another crime (Tables 4.7-4.17), murder incidents in which there was no known relationship between suspect and victim (Tables 4.18-4.22), and murder incidents which were unsolved (Tables 4.23-4.26). The remaining two tables in the chapter deal with the killing of police and custodial officers, and with the use of firearms in murder.

This report presents only general information about murder incidents involving domestic, social, or business relationships; it is expected that more detailed statistics on reported murder incidents of these kinds will be the subject of a future publication.

Table 4.1

This table presents a distribution, by type, of all murder incidents that have taken place in Canada from 1961 to 1974. The first seven types consist of murder incidents in which previously established social relationships existed between the suspect(s) and victim(s). These seven types comprise 69.5% of all murder incidents over the 14-year period. Murders that take place within the immediate family consistently make up the largest single type - 27.2%, while all types of domestic murder (i.e., the combined total of immediate family, other kinship and common-law family sub-types) together comprise 39.3% of all murder incidents. The next most frequent types, close acquaintances (8.3%) and casual acquaintances(1) (13.1%) together account for 21.4% of all murder incidents.

Two types of incident involve killings where the suspect and victim were strangers. "No known relationship" (7.1% of all murder incidents) designates murder incidents in which the victims were "strangers" and murder incidents for which we do not have sufficient information to define a particular type of suspect-victim relationship. This type is given special attention later in this chapter.

Another important type, "During Commission of Another Criminal Act", includes all murder incidents in which another criminal act (eg., robbery, sexual assaults, arson, kidnapping) was the context or the precipitating factor in the murder incident. The suspect may or may not have had an established relationship with the victim prior to the murder incident. Over the 14-year period, 10.7% of all murder incidents were of this type. This type will also be discussed in more detail later in this chapter.

"Unsolved" murder incidents is the last category in this set. It includes those murder incidents for which no suspect has been charged by the police but excludes those incidents in which it was physically impossible to charge a suspect with murder (because the suspect left the country or committed suicide, for example). An average of 12.7% of all murders in Canada over the period 1961 to 1974 were unsolved.

Trends

Figures in Chapter 3 clearly illustrate that the number of police-reported murder incidents occurring annually has increased steadily since 1961. This raises the questions, what types of murder are on the increase, and do any particular types account for a disproportionate amount of this increase?

One especially noteworthy aspect of the figures in this publication is the general consistency in the distribution of murder incidents by suspect-victim relationship type. A comparison of the distribution (by type) of murder incidents over two seven-year periods of analysis (1961-67, 1968-74) shows significant changes in the

- (1) It should be noted that the distinction between the types "close acquaintances" and "casual acquaintances" is influenced by the information available. In some cases the information available indicates that a definite social relationship existed between suspect(s) and victim(s) but the data is not sufficient to enable us to ascertain the intensity of this relationship. In these instances, the relationship is defined as "casual acquaintance", rather than "close acquaintance", though it may in fact be the latter.

TABLE 4.1. Total Murder Incidents(1) and Distribution by Suspect-victim Relationship Types, by Year and Specified Periods, Canada

Year	Total murder incidents	Suspect-victim relationship types									
		Immediate family		Other kinship		Common-law family		Lovers' quarrel and love triangle		Close acquaintance	
1961	173	64		11		12		11		21	
1962	196	62		12		12		10		12	
1963	192	61		7		13		22		26	
1964	199	57		8		15		13		25	
1965	216	60		9		19		10		30	
1966	206	70		9		15		11		14	
1967	239	76		6		17		15		11	
1968	292	88		14		19		16		18	
1969	320	93		12		20		20		22	
1970	354	85		13		23		17		20	
1971	395	95		16		30		38		35	
1972	412	97		21		33		21		39	
1973	447	106		17		46		17		28	
1974	499	113		28		45		13		41	
		Total	Per cent	Total	Per cent	Total	Per cent	Total	Per cent	Total	Per cent
1961-74	4,140	1,127	27.2	183	4.4	319	7.7	234	5.7	342	8.3
1961-67	1,421	450	31.7	62	4.4	103	7.2	92	6.5	139	9.8
1968-74	2,719	677	24.9	121	4.5	216	7.9	142	5.2	203	7.5
		Casual acquaintance		Business relationship		No known relationship		During commission of another Criminal Act		Unsolved	
1961	13			4		11		14		12	
1962	20			6		17		22		23	
1963	3			1		13		27		19	
1964	27			5		13		23		13	
1965	25			10		18		23		12	
1966	29			9		17		22		10	
1967	40			17		8		24		25	
1968	41			5		18		34		39	
1969	40			9		25		27		52	
1970	58			13		25		45		55	
1971	37			19		29		41		55	
1972	61			9		28		42		61	
1973	72			15		31		53		62	
1974	76			6		43		47		87	
	Total	Per cent	Total	Per cent	Total	Per cent	Total	Per cent	Total	Per cent	Per cent
1961-74	542	13.1	128	3.1	296	7.1	444	10.7	525	12.7	
1961-67	157	11.0	52	3.7	97	6.8	155	10.9	114	8.0	
1968-74	385	14.2	76	2.8	199	7.3	289	10.6	411	15.1	

(1) Murder incidents counted here are based on the number of original charges of "Capital murder", "Non-capital murder" and "Murder, not specified". Unless otherwise noted, this applies to all subsequent tables.

proportion of all murder incidents for only two types, "immediate family" and "unsolved". The proportion of murder incidents occurring within the social network of immediately-related family members has significantly decreased, while the proportion of murder incidents that are of other established relationship types has remained relatively stable. The proportion of murder incidents that are unsolved has increased substantially (7.1%) in the last period, almost double the proportion of unsolved incidents in the preceding seven-year period. The proportion of murders occurring during commission of another criminal act has remained stable over the two periods.

These figures indicate that the majority of murders in Canada occur within the context of domestic and social relationships. The relative proportions of these different types of murder have remained comparatively stable over the past 14 years.

Table 4.2

This table shows the distribution of murder incidents by aggregate categories and by suspect-victim relationship types for the different regions in Canada.

When the 14-year and seven-year totals for each region are compared to each other and to the national picture, noteworthy differences are discernable. The largest category, "domestic" murder incidents, accounts for 44% to 55% of all murder incidents in all regions except Quebec and British Columbia. Quebec's proportion of "domestic" murder incidents (26.7%) is substantially below the national average and that of other regions. British Columbia also exhibits a slightly smaller proportion (36.1%) of domestic murders. However, while Quebec also exhibits a smaller proportion of murder incidents of the "social and business relationship" type, British Columbia has a higher proportion of this type than any other region. In all other regions the proportion of "social and business relationships" is similar.

In all regions of Canada, domestic murder incidents as a proportion of the total are decreasing. Nationally, there has been a 6% decrease, most of which is the result of decreases in Ontario (6.1%), the Prairies (4.9%), and British Columbia (7.8%). Only in Quebec and the Maritimes has there been a significant change in the proportion of "social and business relationship" type of murder incidents, a decrease of 6.5 and 5.0 percentage points respectively.

The proportion of murder incidents occurring during commission of another criminal act varies little from the national average for all regions, Quebec exhibiting the only difference over the 14 years with a proportion that is 4% higher.

TABLE 4.2. Percentage of Murder Incidents in Each Suspect-victim Relationship Category, Canada and Regions, (1) 1961-74, 1961-67, 1968-74

Location	Domestic relation-ships(2)	Social or business relation-ships(3)	No known relation-ship	During commission of another Criminal Act	Unsolved
	per cent				
CANADA:					
1961-74	39.3	30.1	7.1	10.7	12.7
1961-67	43.3	31.0	6.8	10.9	8.0
1968-74	37.3	29.6	7.3	10.6	15.1
The Maritimes:					
1961-74	44.6	30.9	9.2	11.6	3.6
1961-67	45.7	34.0	8.5	8.5	3.2
1968-74	43.9	29.0	9.7	13.5	3.9
Quebec:					
1961-74	26.7	26.4	6.9	14.6	25.3
1961-67	28.8	30.9	9.1	17.0	14.2
1968-74	25.8	24.4	5.9	13.5	30.4
Ontario:					
1961-74	44.8	29.6	5.9	9.9	9.7
1961-67	48.7	27.9	4.6	10.6	8.2
1968-74	42.6	30.6	6.7	9.5	10.7
The Prairies:					
1961-74	47.4	31.5	8.3	8.8	3.9
1961-67	50.7	31.3	6.3	6.7	4.9
1968-74	45.8	31.6	9.3	9.8	3.4
British Columbia:					
1961-74	36.1	34.6	7.7	8.4	13.2
1961-67	41.2	35.7	8.0	9.7	5.5
1968-74	33.4	34.1	7.5	7.7	17.3
Yukon and Northwest Territories:					
1961-74	55.2	31.0	5.2	8.6	—
1961-67	65.2	26.1	4.3	4.3	—
1968-74	48.6	34.3	5.7	11.4	—

- (1) Percentages for regions are percentages of all murder incidents within the particular region.
- (2) "Domestic" includes: "Immediate family", "Other kinship" and "Common-law family".
- (3) "Social or business relationships" includes: "Lovers" quarrels and love triangle", "Close acquaintances," "Casual acquaintances" and "Business relationships".

The type for which there is the greatest regional variation and the greatest change between time periods of analysis is the "unsolved" murder incident. Over the 14-year period, the Maritimes and the Prairies fall well below the national average of unsolved murder incidents, whereas Quebec's proportion is twice the national average of unsolved incidents and approximately double that of the next highest region, British Columbia. A comparison of the two seven-year periods indicates that the large national increase in the proportion of unsolved murder incidents is due primarily to large increases in Quebec (where the proportion of unsolved murder incidents has doubled) and British Columbia (where the proportion of unsolved murder incidents has tripled).

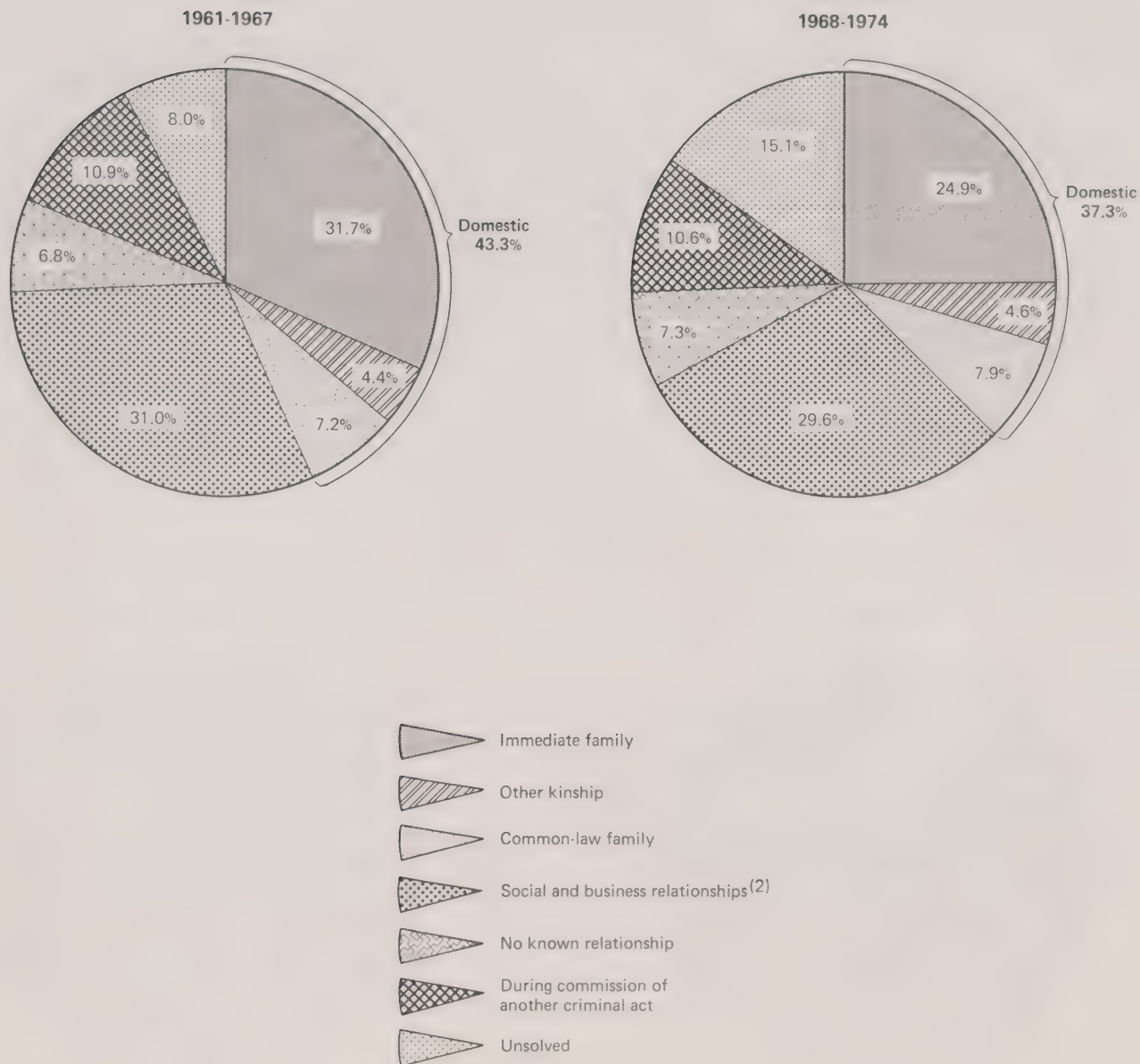
To summarize: the largest proportion of all murder incidents in Canada and in each region are those which take place within the context of a prior relationship between suspect and victim. This has not changed significantly since 1961. The only kinds of murder incidents which exhibit a change in relative proportion are domestic murder incidents which have decreased in all regions, and unsolved murder incidents which have risen sharply in Quebec and British Columbia.

Charts 4.1 and 4.2

The information contained in Tables 4.1 and 4.2 is displayed graphically in these two charts; they present the distribution of different types of murder incidents in Canada for the two periods 1961-67, 1968-74.

Chart 4.1

Percentage Distribution of Murder Incidents⁽¹⁾ by Suspect-Victim Relationship Category,
Canada, 1961-1967, 1968-74

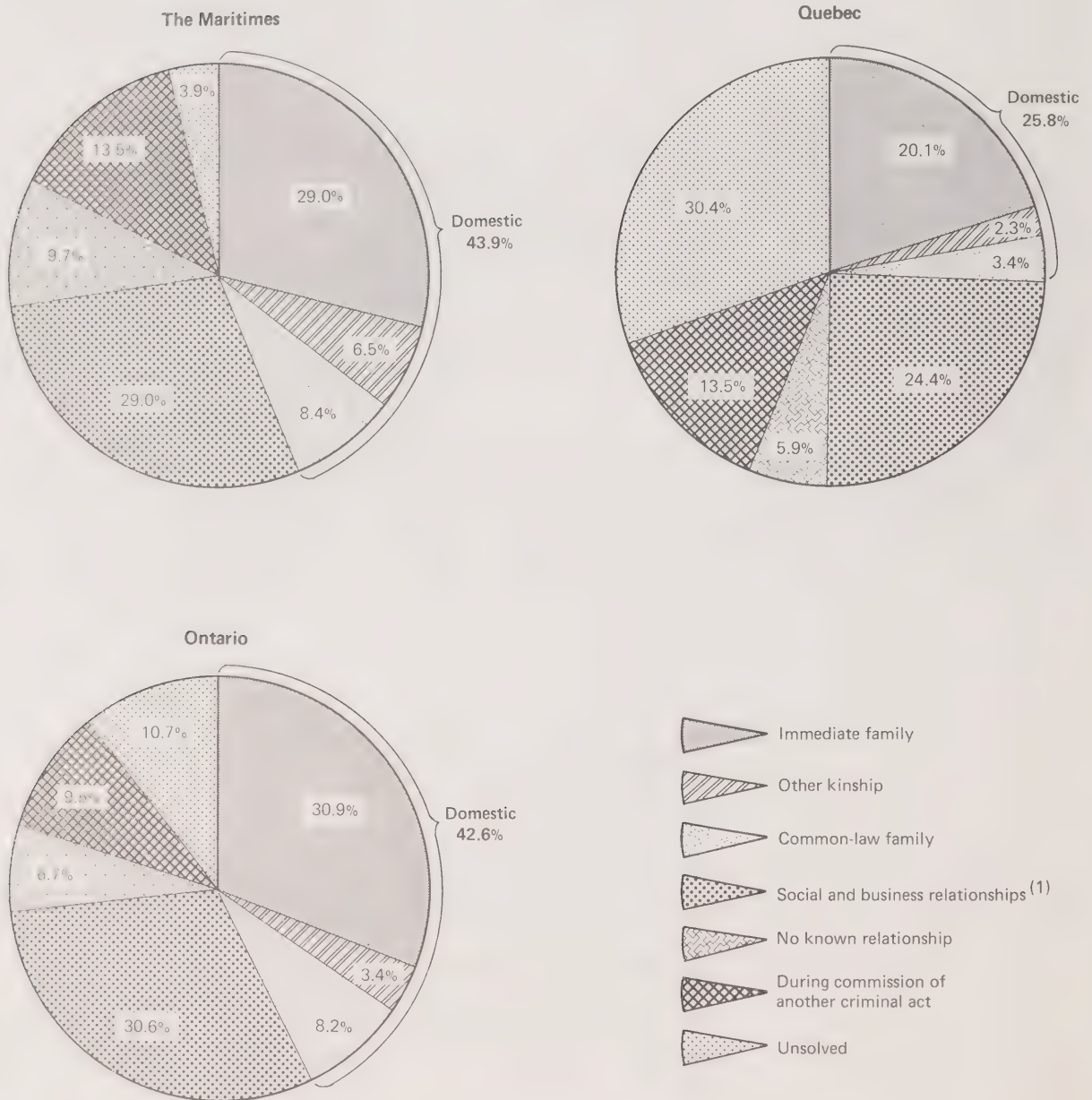


(1) "Murder Incidents" includes all original charges of "Capital Murder", "Non Capital Murder" and "Murder, type not specified".

(2) "Social and Business Relationships" includes "Lovers' Quarrels and Love Triangles", "Close Acquaintances", "Casual Acquaintances" and "Business Relationship".

Chart 4.2

Percent Distribution of Murder Incidents by Suspect-Victim Relationship,
by Region, 1968-1974



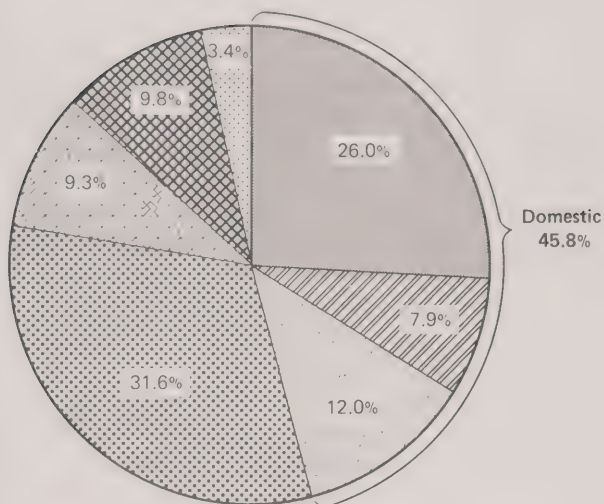
(1) "Social and Business Relationships" includes, "Lovers' Quarrels and Love Triangles", "Close Acquaintances", "Casual Acquaintances", and "Business Relationships".

Note: This shows the proportion of each type of murder incident within each geographic region. This is a graphic presentation of the figures contained in Table 4.2.

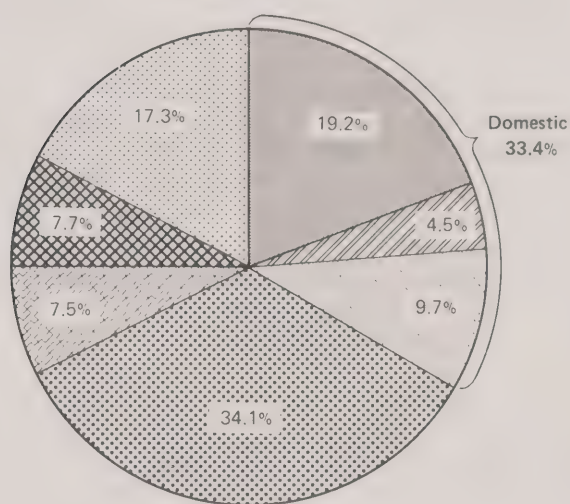
Chart 4.2 cont'd

Percent Distribution of Murder Incidents by Suspect-Victim Relationship,
by Region, 1968-1974

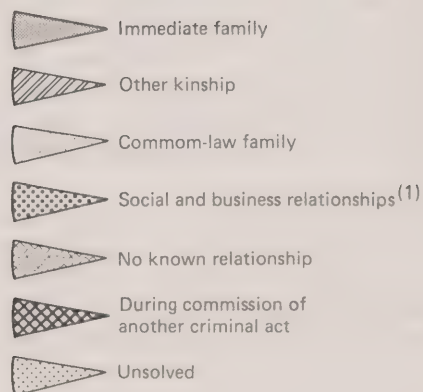
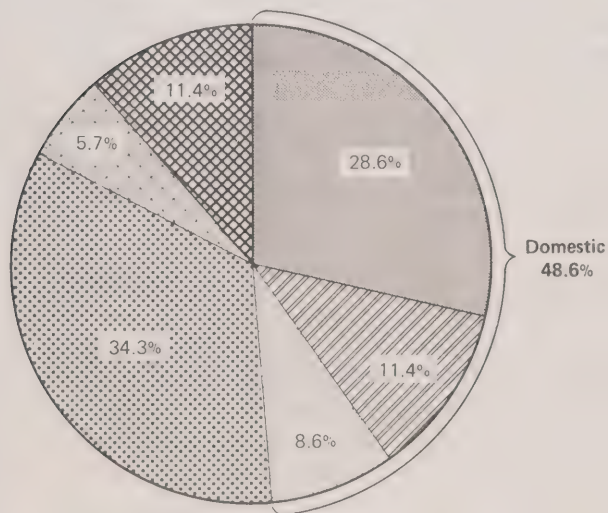
The Prairies



British Columbia



Yukon and Northwest Territories



(1) "Social and Business Relationships" includes, "Lovers' Quarrels and Love Triangles", "Close Acquaintances", "Casual Acquaintances", and "Business Relationships".

Note: This shows the proportion of each type of murder incident within each geographic region. This is a graphic presentation of the figures contained in Table 4.2.

Table 4.3

The information in this table differs from that provided in Table 4.1 in an important way. While the ten-category classification of murder incidents in Table 4.1 shows the number of incidents characterized by a prior domestic, social, or business relationship between suspect(s) and victim(s) it provides no information on those murder incidents occurring during commission of some other criminal act (such as sexual assault) in which the suspect(s) and victim(s) knew each other. To the question, in what proportion of all murder incidents did the suspect(s) and victim(s) know each other prior to the murder and is this proportion changing?, Table 4.3 provides the answer.

To answer this question, it is necessary to exclude from consideration all incidents for which information about suspect-victim relationships is not available. Thus, unsolved murder incidents (12.7% of all incidents), and those incidents of the type "No known relationship" for which we possess insufficient information to define a suspect-victim relationship (3.3% of all murder incidents) are excluded from consideration. Column 2, "Total relationship-known incidents", provides the total number of murder incidents considered; these comprise 84% of all murder incidents.

Of all informationally complete murder incidents, 87.1% involved a known prior relationship between suspect(s) and victim(s). This 87.1% is comprised of homicide incidents in which there existed a prior domestic, and social or business suspect-victim relationship (82.7%), and those homicide incidents which occurred during commission of another criminal act in which there was a prior suspect-victim relationship (4.4%).⁽¹⁾ In the remaining 12.9% there was no prior relationship between the suspect and victim, a portion of which (1.2%) were incidents defined as victim-precipitated (see Table 4.19 for details on this group). There has been no significant change in these percentages over the 14-year period.

(1) Ten point seven per cent of all murder incidents, or 12.8% of those cases for which the nature of the suspect-victim relationship was ascertainable, occurred during commission of another criminal act. Of these, 153 incidents or 34.5% (which represents 4.4% of the informationally complete homicides considered here) involved suspects and victims who had a prior relationship of some kind.

TABLE 4.3. Distribution of Murder Incidents for Which Suspect-victim Relationship was Known, Canada, 1961-74, 1961-67, 1968-74

	Total		Known prior relationship between suspect and victim(1)		
	Murder incidents	Relationship-known incidents(2)	Domestic, social or business, relationships	During commission of another Criminal Act	Total murder incidents with prior relationship
1961-74:					
Total number	4,140	3,476	2,875	153	3,028
Per cent ...			82.7	4.4	87.1
1961-67:					
Total number	1,421	1,266	1,055	53	1,108
Per cent ...			83.3	4.2	87.5
1968-74:					
Total number	2,719	2,210	1,820	100	1,920
Per cent ...			82.4	4.5	86.9
No known prior suspect-victim relationship(3)					
		Suspect-precipitated(4)	Victim-precipitated(5)	Total murder incidents with no prior relationship	
1961-74:					
Total number		407	41		448
Per cent		11.7	1.2		12.9
1961-67:					
Total number		143	15		158
Per cent		11.3	1.2		12.5
1968-74:					
Total number		264	26		290
Per cent		11.9	1.2		13.1

- (1) "Known prior relationship between suspect and victim" includes only those incidents in which a definite relationship was known to exist between the suspect and victim prior to the murder incident.
- (2) Excluded from this total are all unsolved incidents and all solved incidents for which suspect-victim relationship information is not available.
- (3) "No prior suspect-victim relationship" includes only incidents in which no relationship was known to exist between the suspect and victim prior to the murder incident.
- (4) "Suspect-precipitated" means those incidents in which police reports indicate the suspect(s) caused the situation to arise (e.g., suspect robs victim).
- (5) "Victim-precipitated" means those incidents in which police reports indicate the victim(s) caused the situation to arise (e.g., victim attempts to rob the suspect).

Table 4.4

Information on the manner in which murders are committed is important to understanding the nature of murder in Canada.

Overall, shooting is the most prevalent method of commission of murder, used in 43.7% of all murder incidents. Beating (22.3%) and stabbings (18.3%) are the next most frequently used methods. Over the past 14 years, these three methods have been used in 84.3% of all murder incidents. There have been no significant changes or trends in the methods of commission during this period.

There are significant variations, though, in the method by which murders of different types are committed.

Shooting

Shooting is the most prevalent method for all suspect-victim relationship types and is used most often in close social relationships; in 47.2% of domestic murder incidents and in 43.6% of social and business relationship murder incidents. The closer the relationship, the more frequently is shooting the method used. The exception to this general trend is murder incidents of the type "No known relationship", which are also committed by shooting in the highest percentage of instances (49.0%). Surprisingly, shooting is the least used method in murder incidents occurring during commission of another criminal act, 29.5%.

Beating

Beating as the means of murdering is most prevalent in both common-law family murder incidents (where it is typically associated with the use of alcohol, as the next table will show) and in murders occurring during commission of another criminal act (29.3%). In the latter category, this method is only slightly less prevalent than shooting.

One other figure which stands out is the use of strangling in 13.3% of murder incidents occurring during commission of another criminal act; these strangling murders occur primarily in association with a sexual assault. (Strangling is the method of commission in 40.4% of sexual assault murders.)

TABLE 4.4. Total Murder Incidents: Suspect-victim Relationship Type,
by Method of Commission, Canada, 1961-74

Suspect-victim relationship type	Total murder inci- dents	Method of commission							
		Shooting		Beating		Stabbing		Strangling	
		Number	Per cent(1)	Number	Per cent(1)	Number	Per cent(1)	Number	Per cent(1)
Immediate family	1,127	546	48.5	191	16.9	188	16.7	72	6.4
Other kinship	183	97	53.0	46	25.1	27	14.8	4	2.2
Common-law family	319	125	39.2	94	29.5	70	21.9	15	4.7
Lovers' quarrels and love triangle	234	133	56.8	28	12.0	57	24.4	8	3.4
Close acquaintances	342	160	46.8	82	24.0	64	18.7	15	4.4
Casual acquaintances	542	199	36.7	144	26.6	137	25.3	28	5.2
Business relationship ...	128	51	39.8	40	31.3	19	14.8	7	5.5
No known relationship ...	296	145	49.0	74	25.0	53	17.9	11	3.7
During commission of another Criminal Act ..	444	131	29.5	130	29.3	72	16.2	59	13.3
Unsolved	525	223	42.5	96	18.3	71	13.5	62	11.8
		Total	Per cent	Total	Per cent	Total	Per cent	Total	Per cent
1961-74	4,140	1,810	43.7	925	22.3	758	18.3	281	6.8
1961-67	1,421	614	43.2	336	23.7	248	17.5	100	7.0
1968-74	2,719	1,196	44.0	589	21.7	510	18.8	181	6.7
		Suffocating		Drowning		Arson		Other and not known	
		Number	Per cent(1)	Number	Per cent(1)	Number	Per cent(1)	Number	Per cent(1)
Immediate family	40	3.6	25	2.2	13	1.2	52	4.6	
Other kinship	2	1.1	—	—	2	1.1	5	2.7	
Common-law family	4	1.3	1	0.3	1	0.3	9	2.8	
Lovers' quarrels and love triangle	—	—	1	0.4	—	—	7	3.0	
Close acquaintances	2	0.6	2	0.6	—	—	17	5.0	
Casual acquaintances	5	0.9	5	0.9	2	0.4	22	4.1	
Business relationship ...	3	2.3	1	0.8	1	0.8	6	4.7	
No known relationship ...	2	0.7	5	1.7	—	—	6	2.0	
During commission of another Criminal Act ..	11	2.5	2	0.5	18	4.1	21	4.7	
Unsolved	17	3.2	1	0.2	3	0.6	52	9.9	
		Total	Per cent	Total	Per cent	Total	Per cent	Total	Per cent
1961-74	86	2.1	43	1.0	40	1.0	197	4.8	
1961-67	26	1.8	17	1.2	7	0.5	73	5.1	
1968-74	60	2.2	26	1.0	33	1.2	124	4.6	

(1) Percentages are calculated on the basis of total incidents within each relationship type.

Table 4.5

There are definite regional variations in the method by which murders are committed. However, all regions exhibit a similar order of prevalence, with shooting being the most prevalent means in all regions followed by beating and stabbing (the order of the last two methods is reversed in the Maritimes). In the Maritimes and Quebec, shooting is the method used in 50.6% and 50.0% of murder incidents. Only on the Prairies does shooting occur in less than 40% of murder incidents (39.2%). Beating is most prevalent in the North (31.0%) and on the Prairies (30.4%), a percentage that is much higher than other regions.

If statistics on the method used in particular types of murder incidents are examined, further regional differences are evident. Although in Quebec guns were used in a high percentage of murder incidents, this province has the lowest percentage of domestic murder incidents committed with guns - 39.5%. In the Maritimes, 64% of domestic murders are committed with firearms. The general pattern, noted previously, is that the closer the prior relationship of the suspect and victim, the more prevalent is the use of a gun in the murder incident. The type of murder incident in which guns are used least (29.5%) is "during commission of another criminal act". This compares with 47.1% in domestic murders. Nonetheless, shooting is still the most prevalent method for "during commission" murder incidents, but only slightly greater than beating.

Again, regional variations are noteworthy. While in Quebec the percentage of "during commission" murders in which guns are used is a high 43.0%, guns are the method on the Prairies in only 9.5% of these incidents whereas beating is used in 54.1% of all such murder incidents. Similarly, beating is more common than shooting as the method used in "during commission" murder incidents in Ontario, British Columbia and the North, while stabbing is the most prevalent method for this type of murder in British Columbia.

TABLE 4.5. Total Murder Incidents: Suspect-victim Relationship Category, by Method of Commission, by Region, 1961-1974

Suspect-victim relationship category and region	Method of commission							
	Shooting		Beating		Stabbing		Strangling	
	Number	Per cent (1)	Number	Per cent (1)	Number	Per cent (1)	Number	Per cent (1)
Domestic:								
Maritimes	71	64.0	17	15.3	11	9.9	6	5.4
Quebec	113	39.5	58	20.3	43	15.0	28	9.8
Ontario	260	47.1	92	16.7	115	20.8	33	6.0
Prairies	191	47.9	96	24.1	66	16.5	17	4.3
British Columbia	120	48.2	56	22.5	46	18.5	6	2.4
North	13	40.6	12	37.5	4	12.5	1	3.1
Canada	768	47.1	331	20.3	285	17.4	91	5.6
Social or business relationships:								
Maritimes	35	45.5	16	20.8	20	26.0	3	3.9
Quebec	146	51.6	51	18.0	49	17.3	20	7.1
Ontario	153	42.0	85	23.4	87	23.9	18	5.0
Prairies	97	36.6	86	32.5	62	23.4	4	1.5
British Columbia	100	41.8	54	22.6	56	23.4	13	5.4
North	12	66.7	2	11.1	3	16.7	—	—
Canada	543	43.6	294	23.6	277	22.2	58	4.7
No known relationship:								
Maritimes	10	43.5	4	17.4	7	30.4	1	7.7
Quebec	50	67.6	14	18.9	8	10.8	1	1.4
Ontario	31	42.5	14	19.2	17	23.3	5	6.9
Prairies	28	40.0	24	34.3	14	20.0	2	2.9
British Columbia	25	47.2	16	30.2	7	13.2	2	3.8
North	1	33.3	2	66.7	—	—	—	—
Canada	145	49.0	74	25.0	53	17.9	11	3.7
During commission of another Criminal Act:								
Maritimes	9	31.0	5	17.2	8	27.6	6	20.7
Quebec	67	43.0	26	16.7	20	12.8	20	12.8
Ontario	33	27.1	42	34.4	17	13.9	16	13.1
Prairies	7	9.5	40	54.1	9	12.2	10	13.5
British Columbia	14	24.1	15	25.9	17	29.3	7	12.1
North	1	20.0	2	40.0	1	20.0	—	—
Canada	131	29.5	130	29.3	72	16.2	59	13.3
Unsolved:								
Maritimes	1	11.1	4	44.4	2	22.2	2	22.2
Quebec	159	58.4	32	11.8	27	9.9	22	8.1
Ontario	32	26.7	29	24.2	21	17.5	21	17.5
Prairies	7	21.2	10	30.3	5	15.2	4	12.1
British Columbia	24	26.4	21	23.0	16	17.6	13	14.3
North	—	—	—	—	—	—	—	—
Canada	223	42.5	96	18.3	71	13.5	62	11.8

(1) Percentages are of total incidents within each region for each particular suspect-victim relationship category.

TABLE 4.5. Total Murder Incidents: Suspect-victim Relationship Category, by Method of Commission, by Region, 1961-1974 - Concluded

Suspect-victim relationship category and region	Method of commission							
	Suffocating		Drowning		Arson		Other	
	Number	Per cent(1)	Number	Per cent(1)	Number	Per cent(1)	Number	Per cent(1)
Domestic:								
Maritimes	3	2.7	1	0.9	2	1.8	—	—
Quebec	15	5.2	8	2.8	4	1.4	17	5.9
Ontario	18	3.3	11	2.0	5	0.9	18	3.3
Prairies	7	1.8	2	0.5	2	0.5	18	4.5
British Columbia	2	0.8	4	1.6	3	1.2	12	4.8
North	1	3.1	—	—	—	—	1	3.1
Canada	46	2.8	26	1.6	16	1.0	66	4.1
Social or business relationships:								
Maritimes	—	—	2	2.6	—	—	1	1.3
Quebec	—	—	1	0.4	1	0.4	15	5.3
Ontario	3	0.8	4	1.0	1	0.3	13	3.6
Prairies	5	1.9	—	—	1	0.4	10	3.8
British Columbia	2	0.8	2	0.8	—	—	12	5.0
North	—	—	—	—	—	—	1	5.6
Canada	10	0.8	9	0.7	3	0.2	52	4.2
No known relationship:								
Maritimes	—	—	1	7.7	—	—	—	—
Quebec	—	—	—	—	—	—	1	1.4
Ontario	2	2.7	3	4.1	—	—	1	1.4
Prairies	—	—	1	1.4	—	—	1	1.4
British Columbia	—	—	—	—	—	—	3	5.7
North	—	—	—	—	—	—	—	—
Canada	2	0.7	5	1.7	—	—	6	2.0
During commission of another Criminal Act:								
Maritimes	—	—	—	—	1	3.5	—	—
Quebec	4	2.6	1	0.6	8	5.1	10	6.4
Ontario	4	3.3	1	0.8	6	4.9	3	2.5
Prairies	3	4.1	—	—	1	1.4	4	5.4
British Columbia	—	—	—	—	2	3.5	3	5.2
North	—	—	—	—	—	—	1	20.0
Canada	11	2.5	2	0.5	18	4.1	21	4.7
Unsolved:								
Maritimes	—	—	—	—	—	—	—	—
Quebec	7	2.6	—	—	2	0.7	23	8.5
Ontario	6	5.0	1	0.8	—	—	10	8.3
Prairies	2	6.1	—	—	—	—	5	15.2
British Columbia	2	2.2	—	—	1	1.1	14	15.4
North	—	—	—	—	—	—	—	—
Canada	17	3.2	1	0.2	3	0.6	52	9.9

(1) Percentages are of total incidents within each region for each particular suspect-victim relationship category.

Table 4.6

Alcohol and Other Drug Use

In 41.4% of all murders in Canada since 1961, either the suspect or the victim or both were drinking prior to the murder incident. Alcohol use is most often associated with common-law family murders and with murders involving such social relationships as "other kinship", "close acquaintances" and "casual acquaintances".

In the column "Alcohol and/or other drugs", the other drugs are most often prescription drugs such as barbiturates. In only a small proportion of these incidents is alcohol not involved.

The involvement of alcohol has increased slightly between the first and second halves of the 14-year period, whereas the use of alcohol and/or other drugs as a related circumstance has risen sharply between periods (although this is a contributing factor in only a small proportion, 4.7%, of murder incidents).

Gangland

It is important to note that this table provides information only on solved murder incidents. The small number (40) of solved incidents defined as gangland murders is misleading as an indicator of the total number of such murders. (Detailed figures on unsolved gangland murder incidents will be found in Table 4.26.) The majority of solved gangland murder incidents involve suspects and victims who had established social or business relationships prior to the murder incident. The relatively high number of gangland murders defined as having no known relationship between suspect and victim are incidents for which the information required to define the suspect-victim relationship is not available. In most of these incidents, police reports suggest that a prior relationship did exist.

The increase in gangland murders is a recent phenomenon, contrary to the slight increase between seven-year periods (i.e., 17 in 1961-67, 23 in 1968-74) indicated in this table. Examination of information on unsolved murder incidents supports this statement.

TABLE 4.6. Solved(1) Murder Incidents: Suspect-victim Relationship Type by Special Circumstances, Canada, 1961-74

Suspect-victim relationship type	Total murder incidents	Special circumstances							
		Alcohol		Alcohol and/or other drugs		Gangland		None or not known	
		Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent
Immediate family	1,127	371	32.9	21	1.9	—	—	735	65.2
Other kinship	183	103	56.3	1	0.5	—	—	79	43.2
Common-law family	319	199	62.4	7	2.2	—	—	113	35.4
Lovers' quarrels and love triangle	234	87	37.2	6	2.6	—	—	141	60.3
Close acquaintances	342	186	54.4	23	6.7	11	3.2	122	35.7
Casual acquaintances	542	296	54.6	20	3.7	13	2.4	213	39.3
Business relationship	128	38	29.7	5	3.9	6	4.7	79	61.7
No known relationship	296	106	35.8	12	4.1	9	3.0	169	57.1
During commission of another Criminal Act ...	444	112	25.2	18	4.1	1	0.2	313	70.5
		Total	Per cent	Total	Per cent	Total	Per cent	Total	Per cent
1961-74	3,615	1,498	41.4	113	3.1	40	1.1	1,964	54.3
1961-67	1,307	516	39.5	5	0.4	17	1.3	769	58.8
1968-74	2,308	982	42.5	108	4.7	23	1.0	1,195	51.8

(1) The totals for this table exclude unsolved murder incidents. This information is available only for solved incidents.

Domestic Murders: Additional Information

Domestic murder incidents have been described, with other relationship incidents, in previous tables in this chapter. Data on the proportion of all murder incidents which were of a domestic nature (39.3% over the 14-year period) and on discernible trends was presented in Table 4.1. The distribution of domestic murder incidents, by region, was dealt with in Table 4.2, while Tables 4.4 and 4.5 provided information on the method used in committing this type of murder. The involvement of alcohol and/or other drugs was detailed in Table 4.6. In the following, additional information especially pertinent to domestic murders is discussed.

While approximately 93% of all murder incidents involve one victim (and 7% involve multiple victims), it is domestic murders which involve the largest percentage of incidents having multiple victims. There were two or more victims in 9.1% of all domestic murder incidents, compared to 5.2% of all other types combined. Furthermore, the greater the number of victims, the more likely the murder incident will be of a domestic variety. Within the domestic category, multiple-victim murder incidents are most prevalent in the context of the immediate family, with 11% of immediate family murder incidents resulting in more than one victim.

The reverse of this is true when the number of suspects per incident is calculated. In only 2.6% of domestic murder incidents was there more than one suspect. The majority of this 2.6% were murder incidents of the type "other kinship" group. In 17.3% of all other types of murder incident (excluding those which were unsolved) there was more than one suspect. Murder incidents of the type "during commission of another criminal act" have the highest percentage of multiple suspect incidents.

Domestic murders usually occur in the home of the victim and/or the suspect. Over the 14 years, 81% of domestic murders occurred at these locations. In contrast, only 37.4% of all other types of murder incidents occur at these locations.

There were 417 murder-suicide incidents during this 14-year period, of which 321 (or 77%) involved a domestic relationship. In 19.7% of all domestic murder incidents, the suspect committed suicide. These were primarily immediate family murder incidents. Murder-suicide incidents account for only 4.8% of all other types of murder incident. In general, murder-suicides were most prevalent in the Maritimes, Ontario and the Prairies respectively. The use of alcohol and/or other drugs was not a factor in most domestic murder-suicide incidents.

Murder Incidents Occurring During Commission of Another Crime

A large proportion of murders committed in the course of another criminal act differ in significant ways from other kinds of murder.

Murder incidents classified as having occurred during commission of another criminal act were those in which another criminal act (e.g., robbery, breaking and entry, sexual assault) was in process or preceeded, or was clearly the motivating factor in, the murder incident. In the next 11 tables, incidents of this general type are examined and two specific types, robbery murders and sexual assault murders, are analysed in special detail.

Table 4.7

Yearly and aggregate totals are shown in Table 4.7 for murder incidents which occurred during the commission of another criminal act, along with information on what kind of other criminal act was involved. While the total number of murder incidents of this kind has risen, the increase is comparable to the general increase in all murder incidents; between 1961 and 1967, 10.9% of all murder incidents occurred in the course of another crime, compared to 10.6% of all murder incidents in the 1968-74 period.

Robbery murders, while increasing in total numbers, constituted 5.7% less of the total "during commission of another criminal act" murder incidents in the years 1968-74 than in the preceding seven-year period. The only significant increase in proportion of this type of murder incident over the two periods has occurred in sexual assault murders. They accounted for 19.4% of "during commission" incidents in the 1961-67 period and 25.6% in the 1968-74 period.

Murders occurring during breaking and entry have numerically more than doubled, though the number remains small. Murders committed while avoiding arrest have increased from five in the 1961-67 period to 12 in the 1968-74 period. The particular nature of these incidents varies widely, ranging from shootouts between police and cornered thieves or during attempted arrests of drunken drivers, to purse snatchers later cornered by a passerby. Escapes from penal institutions which result in murder are few, totalling only four over the 14 years.

TABLE 4.7. Distribution of Murder Incidents which Occurred During Commission of Another Criminal Act by Type of Crime, by Year, Canada, 1961-74

Year	Total murder incidents occurring during commission of another Criminal Act	Property/monetary crimes								
		Robbery	Mugging	Theft	Breaking and entry	Purse snatch-ing	Kidnap-ping			
1961	14	9	1	1	2	-	-			
1962	22	9	2	1	2	1	-			
1963	27	11	3	1	2	-	-			
1964	23	15	1	1	3	1	-			
1965	23	8	3	1	-	-	-			
1966	22	9	-	3	1	1	-			
1967	24	11	1	-	3	-	-			
1968	34	17	2	1	6	1	-			
1969	27	11	1	2	4	-	-			
1970	45	18	4	2	4	-	1			
1971	41	20	5	1	3	1	-			
1972	42	18	3	-	2	-	-			
1973	53	15	7	1	5	-	-			
1974	47	19	5	-	5	-	-			
1961-74	444	190	38	15	42	5	2			
1961-67	155	72	11	8	13	3	1			
1968-74	289	118	27	7	29	2	1			
		Sexual assaults		Miscellaneous crimes						
		Total	On chil-dren(1)	On adults	Arson	Avoiding arrest	Escape	Abortion	Bombings	Other
1961	-	-	-	-	-	-	-	-	-	-
1962	3	1	2	-	3	-	1	-	-	-
1963	6	5	1	1	-	-	1	1	1	1
1964	1	-	1	-	-	1	-	-	-	-
1965	7	5	2	1	1	-	1	1	-	-
1966	6	1	5	1	-	-	-	1	-	-
1967	7	3	4	1	1	-	-	-	-	-
1968	4	1	3	1	1	-	-	-	-	1
1969	7	2	5	1	-	1	-	-	-	-
1970	13	2	11	1	1	-	1	-	-	-
1971	10	5	5	1	-	-	-	-	-	-
1972	8	4	4	4	2	2	-	1	2	-
1973	19	11	8	-	5	-	-	-	1	-
1974	13	5	8	2	3	-	-	-	-	-
1961-74	104	45	59	14	17	4	4	4	5	-
1961-67	30	15	15	4	5	1	3	3	1	-
1968-74	74	30	44	10	12	3	1	1	4	-

(1) "Children" are here defined as persons 16 years of age and under.

Table 4.8

Murder incidents occurring during property or monetary crimes (e.g., robbery, theft) and miscellaneous crimes (e.g., arson, abortion) now account for a smaller proportion of all "during commission" murder incidents and of all murder incidents in total. Comparing the 1961-67 and 1968-74 periods: murder incidents occurring during property or monetary crimes accounted for 63.7% of all "during commission" murder incidents in the 1968-74 period, a decrease of six percentage points from the 1961-67 period.

The simplest indicator of the magnitude of murders committed during another crime is the proportion of all murder incidents represented by this type; since 1961, this proportion has changed insignificantly. Nor do any of the three sub-types of "during commission" murders show a significant change in the proportion they occupy of total murder incidents in Canada.

TABLE 4.8. Percentage Distribution of Murder Incidents Occuring During Commission of Another Criminal Act, Canada, 1961-74, 1961-67, 1968-74

Period	Total murder incidents occurring during commission of another Criminal Act	Per cent of total murder incidents	Property/monetary crimes			
			Total incidents	Per cent of total during commission incidents	Per cent of total murder incidents	
1961-74	444	10.7	292	65.8	7.1	
1961-67	155	10.9	108	69.7	7.6	
1968-74	289	10.6	184	63.7	6.8	
	Sexual assaults		Miscellaneous crimes			
	Total incidents	Per cent of total during commission incidents	Per cent of total murder incidents	Total incidents	Per cent of total during commission incidents	Per cent of total murder incidents
1961-74	104	23.4	2.5	48	10.8	1.2
1961-67	30	19.4	2.1	17	11.0	1.2
1968-74	74	25.6	2.7	31	10.7	1.1

Table 4.9

The distribution of murder incidents occurring during commission of another crime varies significantly by geographic region. Quebec and Ontario contain the highest proportions of the national total of this type of murder incident, 35.1% and 27.5% respectively, over the 14-year period. Substantial differences between the two periods of analysis are evident for the Maritime and Prairie regions. The Maritime region has increased its proportion of such murder incidents from 5.2% to 7.3%, an increase of 2.1 percentage points of the total number of murder incidents occurring during commission of another criminal act in Canada. This constitutes a 40% increase in the proportion between the seven-year periods. The Prairie region exhibited an increase in its proportion of all such murder incidents from 12.3% in the 1961-67 period to 19.0% in the 1968-74 period, an increase of 6.7 percentage points. Quebec, Ontario and British Columbia have decreased slightly in the proportion of such murder incidents contained within their borders over the two periods. Thus, "during commission" murder incidents are becoming more evenly distributed across Canada.

This pattern of distribution, however, is heavily affected by population size. The following table provides another measure of distribution of murder incidents occurring during commission of another criminal act.

Table 4.10

Figures in this table show the proportion of "during commission" murder incidents occurring within each region; they reveal that this type of murder makes up a similar proportion of all murder incidents within each region. In every region, the proportion of this type of murder incident is close to the national average, with Quebec and the Maritimes representing the highest percentages in the last seven years, 13.5%, while British Columbia's 7.7% represents the lowest proportion for this period. A comparison of the two seven-year periods of analysis indicates that the proportion of this type of murder in all regions may be stabilizing around the national average of 10% to 11%. For information on the distribution of murder incidents occurring during the commission of particular types of criminal acts, see Table 4.17.

Table 4.11

The occurrence of "during commission" murder incidents varies not only among regions but among major metropolitan areas as well. This table provides information on the distribution of such murder incidents occurring in Canada's three largest cities: Montreal, Toronto and Vancouver. Metropolitan Montreal has within its bounds a much larger proportion of this type of murder incident than any other large city in Canada. 18.5% of the national total over the 14 years have occurred in Montreal, a proportion which is double that of Toronto and triple that of Vancouver. All three cities exhibit a decrease between periods, with the largest change in Toronto. The proportion of this type of murder incident occurring in the three cities combined has decreased considerably between periods, dropping from 40.6% of the national total in the 1961-67 period to 31.5% in the 1968-74 period. A trend toward a more even distribution (across the nation) of this type of murder incidents appears to be taking place.

What proportion of "during commission" murder incidents in Quebec, Ontario and British Columbia occur in their respective major urban centres? For the 14 years examined, Montreal contains 52.7% of all murder incidents occurring during commission of another criminal act in Quebec, Vancouver contains 50.0% of this type of murder incident occurring in British Columbia, and Toronto contains 35.2% of this type occurring in Ontario. This percentage has decreased slightly in Montreal and Vancouver, and substantially (10.6 percentage points) in Toronto, over the two seven-year time periods. For statistics on the distribution of murder incidents occurring during commission of particular types of criminal acts (such as robbery), see Table 4.17 in this chapter.

TABLE 4.9. Percentage Distribution of Total Murder Incidents Occuring During Commission of Another Criminal Act, by Region, 1961-74, 1961-67, 1968-74

Period	Total number of murder incidents "during commission" in Canada	Per cent of total in					
		Maritimes	Quebec	Ontario	Prairies	British Columbia	Yukon and Northwest Territories
1961-74	444	6.5	35.1	27.5	16.7	13.1	1.1
1961-67	153	5.2	36.1	30.9	12.3	14.8	0.6
1968-74	289	7.3	34.3	23.6	19.0	12.1	1.4

TABLE 4.10. Percentage Distribution of Total Murder Incidents in Each Region Which Occur During Commission of Another Criminal Act, 1961-74, 1961-67, 1968-74

Period	Per cent of total murder incidents in						
	Canada	Maritimes	Quebec	Ontario	Prairies	British Columbia	Yukon and Northwest Territories
1961-74	10.7	11.6	14.6	9.9	8.8	8.4	8.6
1961-67	10.9	8.5	17.0	10.6	6.7	9.7	4.3
1968-74	10.6	13.5	13.5	9.5	9.8	7.7	11.4

TABLE 4.11. Percentage Distribution of National and Provincial Totals of Murder Incidents Occuring During Commission of Another Criminal Act, for Montreal, Toronto and Vancouver, 1961-74, 1961-67, 1968-74

Period	Montreal		Toronto		Vancouver		Combined total
	Per cent of		Per cent of		Per cent of		Per cent of
	National total during commission	Quebec total during commission	National total during commission	Ontario total during commission	National total during commission	British Columbia total during commission	National total during commission
1961-74	18.5	52.7	9.7	37.2	6.1	30.0	34.7
1961-67	20.0	55.4	12.9	41.7	7.7	32.3	40.6
1968-74	17.6	51.0	8.0	31.1	5.9	48.0	31.3

Table 4.12

One particular type of "during commission" murder which is of special concern is the sexual assault murder. This table provides selected information on sexual assault murders generally and on two distinct types of sexual assault murders: (i) sexual assault murders of children and (ii) sexual assault murders of adults.

Sexual assault murder incidents have shown a disproportionate increase compared to other types of "during commission" murder such as robbery. (See commentary for Table 4.7.) Over the 14-year period, 59% of sexual assault murder incidents involved rape (rather than some other type of sexual offence). These have increased sharply between the two seven-year periods of analysis; 43% of all sexual assault murder incidents were rape murders in the 1961-67 period, while 65% were rape murders in the 1968-74 period. This is consistent with the increase in rape offences reported in Canada in recent years, particularly since 1968. Nonetheless, in 44.2% of the total sexual assault murder incidents (1961-74), the suspect and victim had a known relationship prior to the murder incident and there has been no significant change in this percentage over the 14 years. On average, in more than four in every ten such murders, the suspected murderer was not a stranger to the victim.

The number of sexual assault murders of children in the 1968-74 period is double that of the preceding seven years. However, sexual assault murders of adults have increased at a faster rate. In the 1961-67 period, sexual assault murders of adults accounted for 50% of all sexual assault murder incidents, whereas in the 1968-74 period they accounted for 59% of all such murder incidents. However, when compared to the number of children murdered in other types of situations, these figures take on a somewhat different meaning. For example, 378 children (15 years of age or less) were victims in domestic murder incidents over the 14 - year period compared to a total of 52 children (16 years of age or less) who were victims of sexual assault murders. In 20% of sexual assault murders of children, the suspect had a prior established relationship with the child. This is radically different from sexual assault murders of adults in which 62.7% of the incidents involved suspects and victims who had an established relationship prior to the murder incident. In a large number of these incidents the suspect and victim had been acquainted for an extended period of time. The percentage of adult sexual assault murders in which the suspect and victim had a prior relationship is by far the highest of murder incidents occurring during commission of another criminal act. For example, since 1961 a prior relationship between the suspect and victim existed in 30.5% of robbery murders, 19.0% of breaking and entry murders, and in 34.5% of the total of all murder incidents occurring during commission of another criminal act.

TABLE 4.12. Selected Data on Solved(1) Sexual Assault Murder Incidents, Canada, 1961-74, 1961-67, 1968-74

Period	Total murder incidents occurring during sexual assaults	Prior relationship between suspect and victim		Type of sexual assault		
		Total incidents	Per cent(2)	Rape	Indecent assault	Sex-motivated(3)
1961-74	104	46	44.2	61	34	9
1961-67	30	13	43.3	13	14	3
1968-74	74	33	44.6	48	20	6
Sexual assaults on children						
	Total incidents	Known prior relationship between suspect and victim		Per cent suspect drinking/drunken		
		Total incidents	Per cent(4)			
1961-74	45	9	20.0	15.6		
1961-67	15	3	20.0	13.3		
1968-74	30	6	20.0	16.7		
Sexual assaults on adults						
	Total incidents	Prior relationship between suspect-victim			Per cent victim drinking/drunken	Per cent suspect drinking/drunken
		Known prior(5)	Met on occasion(5)	Per cent(4,6)		
1961-74	59	32	5	62.7	23.7	40.7
1961-67	15	7	3	66.7	26.7	26.7
1968-74	44	25	2	61.4	22.7	45.5

- (1) Solved murder incidents are those in which the police laid a charge and those which were cleared otherwise (e.g., suspect committed suicide).
- (2) Percentage is for total solved sexual assault murders in Canada.
- (3) "Sex-motivated" refers to incidents in which no sexual assault took place but in which the murder was clearly precipitated by frustrated or unfulfilled sexual desires.
- (4) Percentage is for total solved sexual assault murders within the specific grouping (e.g., "Sexual assaults on children").
- (5) "Prior" and "Met on occasion" are mutually exclusive categories.
- (6) Percentage is for combined total of "Prior" and "Met on occasion" categories.

Another important aspect of sexual assault murders is the use of alcohol by the victim and suspect. Over the entire 14-year period, in 15.6% of sexual assault murders of children the suspect had been drinking, a figure which has shown only a slight increase in recent years. This contrasts with the involvement of alcohol in 40.7% of sexual assault murder incidents involving adults, a percentage which had increased drastically from 26.7% in the 1961-67 period to 45.5% in the 1968-74 period. This percentage is much higher than that for other types of "during commission" murder incidents. The percentage of sexual assault murder incidents in which alcohol is involved is comparable to other types of murder involving a relationship between suspect and victim such as "close acquaintances" or "casual acquaintances". Further information on sexual assault murders is available in the tables which deal with unsolved murder incidents.

The following examples illustrate the nature and variability of this type of murder incident. (Note: these and all other case examples in this study have been selected carefully for how they reveal typical combinations of circumstances, types of persons involved and geographic locations for certain kinds of murder incident. Descriptions of all these case examples are based on information gathered and reported by police forces in Canada.)

Sexual assault murders of children:

- Case 1: Nineteen year-old male warehouse worker entices two children (3, 2 1/2 year-old males) playing nearby into the warehouse. While he is attempting to molest children other workers approach and children start to cry. In attempting to avoid detection, he places his hands over the children's mouths, smothering both. (A city in Ontario; 1962)
- Case 2: Large teenage party (approximately 80 youths) held in field in town. Drinking and sexual activities take place among participants. Girl (15 year-old female) is raped and strangled by 18 year-old male in nearby bushes. Suspect and victim knew each other prior to the incident. (A suburb in Nova Scotia; 1971)
- Case 3: Six year-old female child is enticed into a car near her home by a 24 year-old male. The naked body of child is later found near a road. The child was beaten to death with a hammer. (A suburb in Quebec; 1973)

Sexual assault murders of adults:

- Case 4: Woman (31 year-old) goes out on dinner date with 27 year-old male. They had dated previously. After dinning and drinking they return to his apartment and consume more liquor. Woman is found sexually assaulted and beaten to death with a blunt instrument. (A city in Alberta; 1971)
- Case 5: Female (19 year-old) attending university is abducted on college grounds, taken into nearby bushes, tied with wire and raped. Woman dies from asphyxiation by ligature. A 24 year-old male is charged with this and another similar murder. (A suburb in Ontario; 1973)
- Case 6: A 42 year-old female meets male (33 year-old) in beer parlour and they drink together. Later they go to his room in local hotel and continue drinking. Woman refuses sexual advances and is beaten and strangled. (A city in British Columbia; 1966)

Tables 4.13 and 4.14

Although statistics on court dispositions of persons charged with murder offences of all types are given in Chapter 6, Tables 4.13 and 4.14 provide information on court dispositions in sexual assault murder cases specifically. These two tables provide court disposition statistics on suspects charged with murder in sexual assault murders of children and on suspects charged with murder in sexual assault murders of adults, respectively.

Between 1961 and 1974, there were 45 sexual assault murder incidents involving child victims, and 51 suspects. The figure that stands out in this table is the 59.6% of these suspects who were convicted of murder and sentenced to life imprisonment. This stands in sharp contrast to the (approximately) 21% of all murder suspects who were given a sentence of life imprisonment. Furthermore, approximately 36% of all suspects charged with murder are convicted of manslaughter, compared to 12.8% of the suspects charged with sexual assault murders of children. The percentage of suspects adjudged unfit to stand trial or acquitted by reason of insanity is slightly higher than average for this type of murder offence. Though comparative figures are not available, it is noteworthy that whereas 74.5% of suspects in sexual assault murders of children receive prison sentences, fewer than 62.0% of all suspects charged with murder of all types are convicted of some offence (i.e., murder, manslaughter, or some lesser offence) and receive a prison sentence.

There were 59 sexual assault murder incidents involving adult victims, and 62 suspects during the 14 years since 1961. Again, the percentage of suspects convicted of murder and sentenced to life imprisonment (52.6%) is considerably higher than the 21% of suspects in all murder incidents who receive life sentences. Compared to all suspects charged with murder who are convicted of manslaughter (approximately 36%), suspects charged with sexual assault murders of adults are convicted of manslaughter in 21.1% of such cases. While acquittals, stays of proceedings and withdrawal or dismissal of charges are almost twice as likely to occur in sexual assault murders of adults (15.8%) compared with sexual assault murders of children (8.5%), the reverse is true for suspects being judged unfit to stand trial or acquitted by reason of insanity. As was the case with suspects in child-victim incidents, suspects in sexual assault murders of adults receive prison sentences in a much higher percentage of cases (73.7%) than the average for suspects in all types of murder incidents generally.

TABLE 4.13. Dispositions of Solved(1) Sexual Assault Murders,
on Children, by Suspect, Canada 1961-74

Type of disposition	Disposition by suspect	
	Total	Per cent
1. Pending disposition	4	7.8
2. Acquittals,(3) stays, dismissed or withdrawn	4	8.5(2)
3. Judged unfit or insane(3)	7	14.9(2)
4. Life sentences	28	59.6(2)
5. Convicted of manslaughter	6	12.8(2)
6. Convicted of a lesser offence	1	2.1(2)
7. Suspect committed suicide	1	2.1(2)
8. Suspect receives prison sentence	35	74.5(2)
9. Average length of sentence for manslaughter conviction	6	9.3 years

(1) "Solved murder" incidents are those in which the police have laid a charge or were cleared otherwise (e.g., suspect commits suicide).

(2) Percentages are calculated on a total which excludes total "Pending disposition".

(3) Acquittals by reason of insanity are not grouped with the category "Acquittals, stays, dismissed or withdrawn," but are grouped with the category "Judged unfit or insane".

TABLE 4.14. Dispositions of Solved(1) Sexual Assault Murders
on Adults, by Suspect, Canada, 1961-74

Type of disposition	Disposition by suspect	
	Total	Per cent
1. Pending disposition	6	9.5
2. Acquittals, (3) stays, dismissed or withdrawn	9	15.8(2)
3. Judged unfit or insane(3)	4	7.0(2)
4. Life sentences	30	52.6(2)
5. Convicted of manslaughter	12	21.1(2)
6. Convicted of other lesser offence	—	—
7. Suspect committed suicide	1	1.8(2)
8. Suspect receives prison sentence	42	73.7(2)
9. Average length of sentence for manslaughter conviction	12	9.7 years

- (1) "Solved murder" incidents are those in which the police have laid a charge or were cleared otherwise (e.g., suspect commits suicide).
- (2) Percentages are calculated on a total which excludes total "Pending disposition".
- (3) Acquittals by reason of insanity are not grouped with the category "Acquittals, stays, dismissed or withdrawn", but are grouped with the category "Judged unfit or insane".

Table 4.15

This table shows the types of establishment or person which are most likely to be victims of robbery murders. It also provides a measure of the type of person who perpetrates robbery murders.

The largest category of robbery-murder victims consists of individuals who were robbed and murdered in their homes. Of this group (52 incidents), approximately 25% of the victims were identified as homosexuals. In these cases, the suspects had frequently been invited to, or had previously visited, the home of the victim. The largest occupational group of victims is that of taxicab drivers. Overall, it is in small retail establishments that robbery murders are most likely to occur. The combined total of banks, trust companies, armoured trucks, and business firms which were the locus of a robbery-murder is approximately equal to the number of taxicab drivers robbed and murdered over the 14-year period. An examination of unsolved robbery murders indicates a similar profile of victims. The only types of robbery-murder victims that have significantly increased in number over the two seven-year periods of analysis are individuals in their homes, taxicab drivers and restaurants and hotels (with this latter group occurring primarily in Montreal). The subsequent table (Table 4.16) provides further complementary information.

TABLE 4.15. Solved(1) Murder Incidents Occurring During Robberies: Type of Establishment or Person Robbed, Canada, 1961-74, 1961-67, 1968-74

Period	Total murder incidents occurring during robberies	Vic-tim's home	Taxi-cabs	Small stores	Grocery stores	Banks, trust companies and armour trucks	Busi-ness firms	Gas stations and/or garages	Drivers by hitch-hikers	Restau-rants and hotels	Taverns and night-clubs	Hitch-hikers by drivers	Other
1961-74: Total	190	52	23	17	15	13	12	10	9	9	7	2	21
Per cent(2)		27.4	12.1	8.9	7.9	6.8	6.3	5.3	4.7	4.7	3.7	1.1	11.1
1961-67: Total	72	18	8	9	6	6	5	4	4	1	3	1	7
Per cent(2)		25.0	11.1	12.5	8.3	8.3	6.9	5.6	5.6	1.4	4.2	1.4	9.7
1968-74: Total	118	34	15	8	9	7	7	6	5	8	4	1	14
Per cent(2)		28.8	12.7	6.8	7.6	5.9	5.9	5.1	4.2	6.8	3.4	0.8	11.9

(1) "Solved" murder incidents are those in which the police have laid a charge and those which were cleared otherwise (e.g., suspect committed suicide).

(2) Percentages are for total solved robbery murders.

Table 4.16

The table, "Selected data on solved robbery murder incidents", adds another dimension to the information provided in the previous one.

In 30.5% of all robbery-murder incidents, the suspect and victim had an established relationship of some type prior to the murder incident. The majority of these victims were robbed and murdered in their homes. This has changed little since 1961.

Analysis of the immediate and precipitating circumstances of murder incidents occurring during robberies produces illuminating information. In 42.6% of all robbery-murder incidents, the victim attacked, struggled with, or resisted the robber(s). Typical examples illustrate this type of situation.

Case 1: A 24 year-old male robs bank. During attempted get-away, he is pursued by bank accountant and customer. As robber enters car, customer (55 year-old male) using bank revolver, fires shot just missing robber. Robber's car won't start, he fires at approaching customer and kills him, then flees on foot. (A city in Ontario; 1964)

Case 2: Two bandits enter an oil-company office and attempt to hold up manager (53 year-old male) with rifle. He struggles with bandits, seizes rifle and proceeds to club one of them with it. The other bandit takes a revolver from his pocket and shoots and kills manager. (A suburb in Quebec; 1968)

Case 3: Two males (one is 25 year-old male) hold up grocery store and flee with \$25. Grocer (46 year-old male) and son (22 year-old male) pursue bandits' car. Bandits' car is forced off the road. One bandit gets out of car with a .22 calibre rifle, shoots grocer's son and both bandits flee on foot. (A small town in Quebec; 1968)

Case 4: Three bandits (16, 17, and 21 year-old males) hold up restaurant. As they attempt to leave, the owner (26 year-old male) attempts to apprehend one of the bandits. Bandit armed with rifle standing near the door shoots and kills owner. Bandits flee. (A city in Quebec; 1970)

Case 5: Farmer (73 year-old male) is held up in his home by two intruders (both 16 year-old males) with a rifle. A struggle ensues and the farmer is shot. (Rural Ontario; 1970)

It is obvious that in some incidents of this type of robbery-murder, the robber(s) panicked during the course of the robbery. However, this type only includes incidents in which the victim attacked, struggled with or resisted the robber, the element of panic being subsequent to this turn of events. In another 6.8% of robbery-murder incidents, the would-be robber(s) panic almost from the outset of the robbery attempt, without any prior interaction with the would-be victim(s). Some examples:

Case 1: A 23 year-old male enters bank armed with sawed-off .303 calibre rifle. As he approaches the teller's cage he opens fire resulting in three customers' deaths. He then backs out of the bank and flees. (A city in Ontario; 1961)

TABLE 4.16. Selected Data on Solved(1) Robbery Murder Incidents, Canada, 1961-74, 1961-67, 1968-74

Period	Total murder incidents occurring during robberies	Known prior relationship between suspect-victim		Circumstances			
		Percentage prior relationship	Percentage no prior relationship	Struggle or resistance by victim	Per cent(2)	Suspect panics(3)	Per cent(2)
1961-74	190	30.5	69.5	81	42.6	13	6.8
1961-67	72	30.6	69.4	31	43.1	7	9.7
1968-74	118	30.5	69.5	50	42.4	6	5.1
Alcohol or other drug use involved							
		Percentage(2) victim drinking and/or drunk	Percentage(2) suspect drinking and/or drunk	Percentage(2) suspect on drugs or addict	Percentage(2) suspect drinking and using drugs	Percentage(2) suspect using alcohol or drugs	
1961-74	11.1		17.9	3.7		2.1	23.7
1961-67	12.5		19.4	—		1.4	20.8
1968-74	10.2		16.9	5.9		2.5	25.4

(1) "Solved" murder incidents are those in which the police laid a charge and those which were cleared otherwise (e.g., suspect committed suicide).

(2) Percentages are for total solved robbery murders.

(3) Note that this column (i.e., "Suspect panics") is exclusive of instances in which the victim struggles or resists. Suspects who panic in the face of attack, struggle, or resistance by the victim are not included in the figures in the category "Suspect panics".

Case 2: Four males aged (16, 17, 17 and 18) years spend the afternoon drinking beer and using amphetamines (speed). They proceed to a grocery store where one youth enters with a sawed-off .22 calibre rifle. He approaches the store keeper and as he demands money, shoots and kills him. (A city in Nova Scotia; 1972)

Thus, in 49.4% of all robbery-murders the suspect(s) appear to have been overwhelmed by and were unable to control the events generated by their attempt at robbery.

The use of alcohol or other drugs by suspects is quite low for robbery-murders, compared to other types of murder incidents. While alcohol or drug involvement has increased over the two periods of analysis from 20.8% to 25.4%, it may be a factor in only one in every four such robbery-murder incidents. The increase appears to be associated with the growing element of drug use. The majority of robbery incidents in which alcohol or drugs are involved take place in the victim's home, or are robbery murders of taxicab drivers. When drugs and alcohol are used together, the drugs used are usually prescription drugs such as barbiturates, whereas when drugs alone (without alcohol) are used, they are typically hard drugs such as heroin.

Table 4.17

Certain regions and cities in Canada are more prone to particular types of murders occurring during commission of another criminal act. This table provides information on the regional distribution of solved robbery-murder incidents from 1961 to 1974. Previous tables (4.10, 4.11) indicated that murders committed during another criminal act have been distributed increasingly evenly among the various regions of Canada; the one exception to this trend, however, is robbery-murder incidents. The largest proportion of all robbery-murder incidents between 1961 and 1974 have taken place in Quebec (44.2%) followed by Ontario (21.6%) and the Prairies (15.3%). This distribution has remained relatively constant over the 14-year period. When the proportion of all those murder incidents within a specific region which were robbery-murder incidents is calculated, differences between regions are less pronounced. Quebec still has the highest percentage (8% of all murder incidents in Quebec are robbery-murders), followed by the Maritimes (6%); in all other regions, the proportion of robbery-murders falls below the national average of 5%. Only in Quebec has there been any significant change between the 1961-67 and 1968-74 periods, a small decrease. A comparison with the distribution of sexual assault-murders indicates the existence of regional differences in the type of criminal act involved in these "during commission" murder incidents. On average, Ontario contains the highest proportion of sexual assault-murders (28.8% of sexual assault murders in Canada occur in Ontario), followed by Quebec (24.0%), and the Prairies (19.2%). These proportions have changed dramatically over time with the Prairies increasing their proportion of sexual assault-murders from 13.3% in the 1961-67 period of 21.6% in the 1968-74 period. The Maritimes have similarly shown a large increase in the most recent period. British Columbia, on the other hand, has experienced a decrease from 30.0% of all sexual assault-murders in Canada taking place within its borders in the 1961-67 period to 10.8% in the 1968-74 period. If within each region the proportion of all murder incidents which are sexual assault-murders is considered, only the Maritimes has a percentage (3.6%) significantly higher than the national average (2.5%). But both the Maritimes and the Prairies have experienced significant increases in recent years, in contrast to the considerable decrease in British Columbia.

TABLE 4.17. Total Solved Robbery Murder Incidents by Region and Five Highest Total Metropolitan Areas, (1) Canada, 1961-74, 1961-67, 1968-74

Period	Total murder incidents occurring during robberies in Canada	Region					
		Maritimes	Quebec	Ontario	Prairies	British Columbia	Yukon and Northwest Territories
1961-74:							
Total	190	14	84	41	29	20	2
Per cent(2)		7.4	44.2	21.6	15.3	10.5	1.1
1961-67:							
Total	72	5	30	17	11	8	1
Per cent(2)		6.9	41.7	23.6	15.3	11.1	1.4
1968-74:							
Total	118	9	54	24	18	12	1
Per cent(2)		7.6	45.8	20.3	15.3	10.2	0.8
Metropolitan Area							
		Montreal	Toronto	Vancouver	Winnipeg	Calgary	
1961-74:							
Total	47		15	12	7		5
Per cent(2)	24.7		7.9	6.3	3.7		2.6
1961-67:							
Total	16		8	6	3		1
Per cent(2)	22.2		11.1	8.3	4.2		1.4
1968-74:							
Total	31		7	6	4		4
Per cent(2)	26.3		5.9	5.1	3.4		4.4

(1) Metropolitan areas are "Urban core" areas as defined in Census publications (Catalogue 92-708, Vol. 1, Part 1, Bulletin 1.1-8).

(2) Percentages are for total robbery-murders in Canada for each particular time period.

Police reports indicate that particular types of murders occurring during commission of another criminal act are specific to certain cities, and generally to urban rather than rural settings. For example, 24.7% of all robbery-murder incidents over the 14-year period have occurred in Montreal, compared to 7.9% in Toronto and 6.3% in Vancouver. In terms of robbery-murder incidents, the five highest cities combined contain 45.3% of such incidents, a percentage that has decreased slightly between 1961-67 and 1968-74, (although both Toronto and Vancouver have experienced significant decreases). Sexual assault murder incidents present a different picture, with Montreal, Toronto and Vancouver each containing 8.7% of all sexual assault-murder incidents that have occurred in Canada since 1961. None of these cities has increased its proportion of sexual assault murder incidents in the last seven-year period. The five highest total cities in terms of sexual assault murders over the 14-year period (i.e., Montreal, Toronto, Vancouver, Calgary and Quebec City) together contain 37.0% of the total sexual assault murder incidents in Canada. This percentage has decreased from 40.0% to 35.0% between the 1961-67 and 1968-74 periods. Sexual assault murder incidents are more evenly distributed between urban and rural settings than are robbery-murder incidents. The data suggest that the increases in sexual assault murders are attributable more to a rise in the proportion of incidents occurring in small town or rural settings rather than to a rise in large urban centers.

Murder Incidents in which There Was No Known Suspect-victim Relationship

The next section (Tables 4.18 to 4.22) deals with those incidents in which no relationship was known to exist between the suspect(s) and victim(s) prior to the murder incident. Figures in this section do not include murder incidents which occurred during commission of another criminal act in which there was no prior relationship.

Table 4.18

The 296 murder incidents in which there was no known relationship between the suspect and victim prior to the murder incident account for 7.1% of all murder incidents which took place in Canada between 1961 and 1974. There is no significant difference in this proportion between the first and second halves of the period, with the small increase in the second period being primarily a result of incomplete information for the most recent years, a gap which normally diminishes as further documentation (e.g., court information) on the incident is acquired.

There are three distinct sub-categories within this type of murder incident.

- (a) Suspect-victim Relationship Unknown. The 139 murder incidents of this particular type make up approximately half of the general type considered here. These are murder incidents for which there is not sufficient evidence to define, or to establish conclusively, the existence and/or nature of a prior suspect-victim relationship. (Note, therefore, that "relationship unknown" is very different from "no known relationship" as a category.) The bulk of these incidents occur in remote or isolated areas (e.g., Indian reserves) for which the data received is not sufficiently detailed.

The remaining 157 murder incidents of this type in (b) and (c) below (representing 3.8% of all murder incidents) involve suspects and victims who according to the police were known to be strangers prior to the murder incident. The increase between periods in these two groups together is proportional to increases in all types of murder incidents.

- (b) No Prior Suspect-victim Relationship, and Probably Victim-precipitated. Of the 157 incidents, 41 have been defined as victim-precipitated. While the persons involved in the situations were strangers, in these 41 incidents the victim(s) almost certainly precipitated the events which lead to their murder. The following table (4.19) pertains to these incidents.
- (c) No Prior Suspect-victim Relationship and Probably Suspect-precipitated. The remaining 116 incidents involved suspects and victims who did not have an established relationship prior to the murder incident and in which the suspect precipitated the incident. Table 4.20 deals with these murder incidents.

TABLE 4.18. Distribution of Murder Incidents with No Known Suspect-victim Relationship, Canada, by Year, 1961-74

Year	Total no known relationship	Percent of total murder incidents	Suspect-victim relationship unknown(1)		No known suspect-victim relationship(2)			
					Probable victim precipitated		No relationship	
1961	11	6.4	6		1		4	
1962	17	8.7	6		4		7	
1963	13	6.8	6		1		6	
1964	13	6.5	3		5		5	
1965	18	8.3	6		2		10	
1966	17	8.3	9		2		6	
1967	8	3.3	5		—		3	
1968	18	6.2	9		1		8	
1969	25	7.8	16		1		8	
1970	25	7.1	13		4		8	
1971	29	7.3	15		8		6	
1972	28	6.8	12		3		13	
1973	31	6.9	15		4		12	
1974	43(3)	8.6	18(3)		5		20(3)	
Period:	Total	Per cent	Total	Per cent of category	Total	Per cent of category	Total	Per cent of category
	296	7.1	139	47.0	41	13.9	116	39.2
	97	6.8	41	42.3	15	15.5	41	42.3
	199	7.3	98	49.2	26	13.1	75	37.7

(1) These are incidents in which information concerning suspect-victim relationships is not available.

(2) "No known relationship" refers to incidents in which no known prior suspect-victim relationship existed. It is divided into two categories; (a) "Victim-precipitated", which are incidents in which the victim was the instigator in the situation. For example, the victim was killed while committing a criminal act (e.g., robbery, breaking and entry), or attacked the suspect (e.g., in a bar brawl), and (b) "No relationship" incidents, in which the victim was an uninvolved stranger; this category does not include incidents in which the victim is robbed, sexually assaulted, etc.

(3) This figure may be reduced as more information becomes available (e.g., via court proceedings). This occurs regularly and applies to a lesser degree to 1972 and 1973 figures as well.

Table 4.19

In 22.0% of "no known relationship, victim-precipitated" incidents, the victims were killed as they attempted to commit a criminal act. For example: in 1971 in rural Ontario a prowler was shot by a home-owner; in the same year in rural British Columbia two youths were discovered stealing gas from a truck, and as they attempted to escape in their car the driver was shot and killed. In other incidents the victim was trespassing. And in two out of every three of such murder incidents, the victim clearly instigated a fight or attacked the suspect. For example; a 45 year-old intoxicated male is causing a disturbance in a restaurant. He is asked to quiet down by fellow customer. He then attacks, but eventually dies as a result of a beating received subsequent to his attack. (A small Alberta town; 1966)

While 41 incidents is a small number of cases upon which to suggest the existence of trends, the increase between the two periods of analysis is considerable. There was an increase of 73% in this type of murder between the 1961-67 and 1968-74 periods. In two categories, (comprising 58.5% of these victim-precipitated incidents), those in which the victim was committing a criminal act, and those in which the victim attacked the suspect, the increase has been quite large. This trend appears to be a relatively recent phenomenon.

TABLE 4.19. Notable Aspects of Probable Victim-precipitated Solved Murder Incidents in which there was No Known Prior Suspect-victim Relationship, by Year and Periods, 1961-74, 1961-67, 1968-74

Year	Total incidents no prior relationship	Probable victim(1) precipitated incidents	Circumstances of probable victim precipitated incidents					
			Commission of a Crim- inal Act by victim	Trespassing by victim	Bar brawl instigated by victim	Accosted or attacked by victim	Sexual advances by victim	
1961	5	1	-	-	-	1	-	
1962	11	4	1	-	2	1	-	
1963	7	1	-	-	1	-	-	
1964	10	3	-	1	2	-	-	
1965	12	2	-	-	-	2	-	
1966	8	2	-	-	1	1	-	
1967	3	-	-	-	-	-	-	
1968	9	1	-	-	1	-	-	
1969	9	1	-	-	-	1	-	
1970	12	4	1	-	-	1	-	
1971	14	8	4	1	-	3	-	
1972	16	3	-	-	2	1	-	
1973	16	4	1	1	1	1	-	
1974	25	5	2	-	2	1	-	
		Total incidents	Total incidents					
		Per cent of category						
1961-74	157	41	26.1	9	3	12	15	2
1961-67	56	15	26.8	1	1	6	5	1
1968-74	101	26	25.7	8	2	6	10	-

(1) In 61% of these cases police reports indicate that the victim clearly precipitated the incident. In the remaining 39% police reports indicate a high probability that the victim precipitated the incident.

Table 4.20

This table provides figures on the circumstances of incidents in which "strangers" were murdered not during the commission of another criminal act. Often these murder incidents are of an unpredictable, even bizarre nature. They include incidents in which the suspect murders a stranger whom he had mistaken for someone else. Typical of this is the incident (in a small city in Ontario; 1963) in which a husband shot and killed a stranger he mistook for his wife's lover. Also included are incidents in which the killing was inadvertent; for example, an 11 year-old boy was shooting a .22 calibre rifle at a shed in his backyard and unwittingly killed a woman who was walking past the rear of the shed. (A small town in Quebec; 1965). There are however, two further sub-categories of this general type of murder; those in which the suspect is ultimately judged to be insane (27.6% of this type) and unexplained attacks. Those in which the suspect is judged insane represent a much higher proportion of this type of murder incident than of any other type (e.g., domestic murder). The largest group, "unexplained attacks" is increasing, though the number in later years may be reduced as cases are processed by the courts and more information is received. By and large, however, most of these "unexplained attacks" have no understandable motive or rationale shown by the offender; that they remain unexplained is due in part to the insufficiency of information which characterizes most of these cases.

TABLE 4.20. Notable Aspects of Solved Murder Incidents in which the Suspect had No Prior Relationship with the Victim and in which the Victim Probably did not Precipitate the Incident, Canada, by Year and by Periods, 1961-74, 1961-67, 1968-74

Year	Total incidents	Bar brawls	Victim intervenes in fight	Uninvolved strangers murdered				
				Mistaken identity of victim	Victim is bystander in incident	Inadvertent act	Suspect insane	Unexplained attacks
1961	4	—	—	1	1	—	—	2
1962	7	2	—	—	1	—	3	1
1963	6	1	—	1	—	1	1	2
1964	5	—	—	—	—	—	3	2
1965	10	—	—	1	—	1	1	7
1966	6	—	1	—	1	—	3	1
1967	3	—	—	—	—	—	2	1
1968	8	1	1	—	—	—	5	1
1969	8	1	—	—	1	—	2	4
1970	8	—	—	—	—	1	1	6
1971	6	—	—	1	—	—	2	3
1972	13	1	—	—	—	—	3	9
1973	12	2	—	—	—	—	4	6
1974	20	1	—	2	—	2	2	13
1961-74	116	9	2	6	4	5	32	58
1961-67	41	3	1	3	3	2	13	16
1968-74	75	6	1	3	1	3	19	42
Per cent of category								
1961-74 ...		7.8	1.7	5.2	3.4	4.3	27.6	50.0
1961-67 ...		7.3	2.4	7.3	7.3	4.9	31.7	39.0
1968-74 ...		8.0	1.3	4.0	1.3	4.0	25.3	56.0

Tables 4.21 and 4.22

Figures in these two tables describe the nature and distribution of court dispositions for suspects (this differs from the previous tables which deal with incident) in incidents involving no known relationship, for victim-precipitated and suspect-precipitated murder incidents respectively.

Table 4.21: Victim-precipitated murder incidents

For this kind of murder incident there is a very high proportion of convictions for manslaughter and other lesser offences (a total of 58.8%). The percentage of convictions for manslaughter is slightly above that for all types of murder, while the 19.6% convictions for "Other lesser offence" is approximately six times the percentage for all types of murder. Similarly, the percentage of suspects convicted of murder is extremely low. In short, these figures indicate the circumstances of these incidents to be an important factor in court deliberations and dispositions.

TABLE 4.21. Disposition by Suspect, of Victim-precipitated Murder Incidents for No Known Suspect-victim Relationship Type, Canada, 1961-74(1)

Type of disposition	Disposition by suspect(2)	
	Total	Per cent
1. Pending disposition	5	8.9
2. Acquittals, stays, dismissed or withdrawn(4)	19	37.3(3)
3. Judged unfit or insane(4)	—	— (3)
4. Life sentences	1	2.0(3)
5. Convicted of manslaughter	20	39.2(3)
6. Convicted of other lesser offence	10	19.6(3)
7. Suspect committed suicide	1	2.0(3)
8. Suspect receives prison sentence	21	51.0(3)
9. Average length of sentence for manslaughter convictions	20	5.7 years
10. Average length of sentence for other lesser offences	10	4 months

(1) This table provides disposition information for suspects involved in murder incidents defined as probable victim-precipitated. This group makes up 13%-15% of all incidents in the category "No known relationship" (i.e., suspect-victim relationship).

(2) There were 41 incidents with 56 suspects.

(3) Percentages are computed on a total which excludes total "Pending disposition".

(4) Acquittals by reason of insanity are not grouped with the category "Acquittals, stays, dismissed or withdrawn", but are grouped with the category "Judged unfit or insane".

Table 4.22: Suspect-precipitated murder incidents

Court dispositions in these cases differ sharply from those in Table 4.21. The figure which stands out is the 28.6% of all suspects in this type of murder who are judged unfit to stand trial or are acquitted by reason of insanity. This 28.6% compares with an approximate average of 9% for all murder suspects. The percentage of suspects who receive life sentences (31.1%) is considerably higher than the average for suspects in all types of murder incidents (approximately 21%) and the percentage of suspects convicted of manslaughter is significantly lower. The wide variability in dispositions compared to all types of murder indicates that there is no clear shape to the nature of this type of murder incident.

TABLE 4.22. Disposition by Suspect, of No Relationship Murder Incidents for No Known Suspect-victim Relationship Type, Canada, 1961-74(1)

Type of disposition	Disposition by suspect(2)	
	Total	Per cent
1. Pending disposition	13	9.8
2. Acquittals, stays, dismissed or withdrawn(4)	9	7.6(3)
3. Judged unfit or insane(4)	34	28.6(3)
4. Life sentences	37	31.1(3)
5. Convicted of manslaughter	30	25.2(3)
6. Convicted of other lesser offence	1	0.8(3)
7. Suspect committed suicide	6	5.0(3)
8. Suspect killed by police	2	1.7(3)
9. Suspect receives prison sentence	68	57.7(3)
10. Average length of prison sentence for man- slaughter convictions	30	6.7 years

- (1) This table provides disposition information for suspects involved in murder incidents defined as "No relationship" within the "No known relationship" category. It excludes the types "Unknown" and "Probable victim-precipitated" incidents.
- (2) There were 116 incidents with 152 suspects. However one incident had 20 suspects (all 20 suspects had the charges withdrawn or were acquitted); excluding this incident, this table presents information on 115 incidents with 132 suspects.
- (3) Percentages are computed on a total which excludes total "Pending disposition".
- (4) Acquittals by reason of insanity are not grouped with the category "Acquittals, stays, dismissed or withdrawn", but are grouped with the category "Judged unfit or insane".

Unsolved Murder Incidents

Tables 4.23 to 4.26 deal with the one type of murder incident which has jumped sharply between the first and second halves of the last 14 year period, unsolved murder incidents. (See Table 4.1 for previous discussion). The composition and distribution of unsolved murder incidents indicates that they are, to a degree, a unique type of incident rather than a melange of other types of murder which are not solved.

Table 4.23

Over the 14-year period, 12.7% of all murder incidents occurring in Canada remained unsolved. This national average has increased from 8.0% in the 1961-67 period to 15.1% in the 1968-74 period.

As a proportion of all murders, unsolved incidents vary among Canada's regions. A very high proportion of all unsolved murder incidents in Canada are located in Quebec (51.8% since 1961), a proportion which has increased rapidly (from 41.2% in 1961-67 to 54.7% in 1968-74). Quebec and British Columbia are the two regions in which the proportion of all unsolved murder incidents occurring in Canada is increasing.

Table 4.24

All regions but the Prairies have shown increases in unsolved murder incidents between 1961-67 and 1968-74. But while the increases in the Maritimes and Ontario are small, the increases in Quebec and British Columbia are large. In Quebec the percent of murder incidents that have remained unsolved has risen dramatically from 14.2% in the first seven-years to 30.4% during 1968-74, while in British Columbia the increase has been from 5.5% to 17.6%. However, the situation in Quebec is more extreme regardless of the sharper increase in British Columbia (i.e., Quebec's unsolved percentage has more than doubled, while British Columbia's has more than tripled), for the percentage over the last seven-year period in British Columbia is only 2.5% above the national average of 15.5% whereas Quebec's is double the national average. The rapid increase in unsolved murder incidents in these two provinces is attributable primarily to the specific locations, Montreal and Vancouver. It should be noted that a unique feature of unsolved murders occurring in metropolitan Montreal is the high frequency of dumping victims' bodies in adjacent areas outside the city. Thus, these murders which originate in Montreal fall under the jurisdiction of the Quebec Police Force who police the outlying areas, where the bodies are often found. This has the effect of distorting (i.e., lowering) the unsolved murder count for the metropolitan Montreal area. Thus they have been counted in this analysis as Montreal murders. The next table (4.25) examines the known circumstances surrounding unsolved murder incidents.

TABLE 4.23. Distribution of Total Unsolved Murder Incidents,(1)
by Region(2) 1961-74, 1961-67, 1968-74

Period	Total murder incidents unsolved in Canada	Per cent of total murder incidents unsolved	Maritimes		Québec	
			Total unsolved incidents	Per cent of national total unsolved	Total unsolved incidents	Per cent of national total unsolved
1961-74	525	12.7	9	1.7	272	51.8
1961-67	114	8.0	3	2.6	47	41.2
1968-74	411	15.1	6	1.5	225	54.7
Ontario			Prairies		British Columbia	
	Total unsolved incidents	Per cent of national total unsolved	Total unsolved incidents	Per cent of national total unsolved	Total unsolved incidents	Per cent of national total unsolved
1961-74	120	22.9	33	6.3	91	17.3
1961-67	37	32.5	14	12.3	13	11.4
1968-74	83	20.2	19	4.6	78	19.0

(1) Only incidents reported by the police as capital or non-capital murder are included in these figures.

(2) No unsolved murder incidents have been reported for the Yukon or for the Northwest Territories.

TABLE 4.24. Percentage of Unsolved Murder(1) Incidents within Each Region,
1961-74, 1961-67, 1968-74(2)

Period	Per cent unsolved in Canada	Per cent unsolved in				
		Maritimes	Québec	Ontario	Prairies	British Columbia
1961-74	12.7	3.6	25.4	9.7	3.9	13.2
1961-67	8.0	3.2	14.2	8.2	4.9	6.5
1968-74(2)	15.1	3.9	30.4	10.7	3.4	17.6

(1) Only incidents reported by the police as capital or non-capital murder are included in these figures.

(2) The percentage of murder incidents that are unsolved for the latest year (i.e., 1974) generally declines during the following years. However, this decline is not large enough to invalidate the present figures.

Table 4.25

This table provides a tentative classification of all unsolved murder incidents occurring in Canada between 1961 and 1974. Note that this classification is based entirely on police reports with the descriptions and tentative definitions found in them.

The one category of unsolved murders for which figures are most reliable are those which occurred during the commission of another criminal act. Murder incidents involving robbery or sexual assault are usually identifiable as such and can thus be defined with considerable assurance as being this type of incident. This type of incident accounts for 19.6% of all unsolved murder incidents, a proportion which is considerably higher than the 10.7% of all solved murder incidents that occurred during commission of another criminal act. (A tentative combination of solved and unsolved murder incidents occurring during the commission of another criminal act accounts for 13.2% of all murder incidents over the past 14 years.) The distribution by type (i.e., robbery, sexual assaults) for unsolved murder incidents of this nature is similar to the distribution of solved incidents, (Tables 4.7, 4.8) as is the type of victim (Tables 4.15, 4.16). The one major regional variation is Ontario's disproportionately higher number of unsolved sexual assault murders.

The other large group of tentatively identifiable unsolved murder incidents are those which have been labelled "gangland". These unsolved murder incidents generally involve victims who have criminal records. This, along with the method of killing in the incident, constitutes the basis for their being defined as "gangland" murder incidents by the investigating police force. In most recent years, a small but increasing portion of gangland murder incidents in Quebec are tied to "loansharking" activities, while the majority in British Columbia are related to hard drug (i.e., heroin) use and trafficking. This type of unsolved murder incident is increasing at the fastest pace of any category of unsolved murder incidents, rising from 19.3% in the 1961-67 period to 29.9% in the 1968-74 period. The next table (4.26) provides further information on unsolved gangland murders.

TABLE 4.25. A Tentative Classification(1) of Unsolved Murder Incidents, Canada, by Years, 1961-74

Year	Total unsolved murder incidents	During commission of another Criminal Act(2)											
		Total		Robbery		Other property/monetary crimes		Sexual assaults		Arson and bombing		Abortion	
1961	12	1		-		-		-		-		1	
1962	23	7		3		2		2		-		-	
1963	19	8		2		3		2		1		-	
1964	13	3		1		1		1		-		-	
1965	12	2		1		-		1		-		-	
1966	10	2		1		-		1		-		-	
1967	25	7		4		2		1		-		-	
1968	39	5		1		1		3		-		-	
1969	52	5		2		2		1		-		-	
1970	55	21		10		3		5		1		1	
1971	55	11		6		2		2		1		-	
1972	61	9		5		1		3		-		-	
1973	62	9		5		-		4		-		-	
1974	87	13		6		2		5		-		-	
		Total	Per cent(3)	Total	Per cent(3)	Total	Per cent(3)	Total	Per cent(3)	Total	Per cent(3)	Total	Per cent(3)
Period:													
1961-74	525	103	19.6	47	9.0	19	3.6	26	5.0	3	0.6	3	0.6
1961-67	114	30	26.3	12	10.5	8	7.0	8	7.0	1	0.9	1	0.9
1968-74	411	73	17.8	35	8.5	11	2.8	18	4.4	2	0.5	2	0.5
		Probable gangland(4)		Infanticide		Questionable murders(5)		Unknown(6)					
1961		2				-		-				9	
1962		3				-		2				11	
1963		2				-		1				8	
1964		4				-		-				6	
1965		2				-		-				8	
1966		4		1		-		-				3	
1967		5		-		-		1				12	
1968		11		-		-		1				22	
1969		18		-		-		2				27	
1970		8		-		-		1				26	
1971		18		-		-		-				26	
1972		18		2		-		1				31	
1973		24		-		-		2				27	
1974		26		-		-		-				48	
		Total	Per cent(3)	Total	Per cent(3)	Total	Per cent(3)	Total	Per cent(3)	Total	Per cent(3)	Total	Per cent(3)
Period:													
1961-74	145	27.6		3	0.6			11	2.1	264	50.3		
1961-67	22	19.3		1	0.9			4	3.5	57	50.0		
1968-74	123	29.9		2	0.5			7	1.7	207	50.4		

(1) Unsolved murders seldom provide enough information to be classified. However, certain types such as "Robbery" and "Sexual assaults" are almost always self-evident.

(2) This group only includes the columns "Total", "Robbery", "Other property monetary crimes", "Sexual assaults", "Arson and bombing" and "Abortion".

(3) Percentages are based on total unsolved murder incidents.

(4) This category is problematic since little information is available and thus we rely almost exclusively on initial police definitions.

(5) Example: a skeleton that has been in the bush approximately 20 years is found in Northern British Columbia. Cause of death is unknown. Is this a murder? Police define it as such, therefore it is included in our count.

(6) "Unknown" refers to incidents in which insufficient information is available for a tentative classification.

Table 4.26

Unsolved "gangland" murder incidents are clearly centered in Quebec (79.3%) and in British Columbia (13.8%). The proportion of unsolved "gangland" murder incidents which occur in Quebec has decreased slightly in the last seven-year period. In both Quebec and British Columbia, the majority of these murders occur in and around their major urban centers, Montreal and Vancouver. The prevalence of this type of unsolved murder incident is a factor in the high unsolved murder rates for both provinces, though both provinces would still have rates above the national average if this type was excluded from the totals. Further, solved "gangland" murder incidents (40) and unsolved gangland murder incidents (145) are both distributed amongst the various regions in Canada in similar patterns.

TABLE 4.26. Distribution of Unsolved Incidents which were "Probable Gangland" Murders, by Region and Metropolitan Area, (1) 1961-74, 1961-67, 1968-74

Period	Total unsolved murder incidents in Canada which are "probable gangland"		Region							
			Maritimes		Quebec		Ontario		Prairies	
			Total	Per cent(2)	Total	Per cent(2)	Total	Per cent(2)	Total	Per cent(2)
1961-74	145		-	-	115	79.3	9	6.2	1	0.7
1961-67	72		-	-	19	86.4	2	9.1	-	-
1968-74	123		-	-	96	78.0	7	5.7	1	0.8
	Region		Metropolitan area							
	British Columbia		Montreal		Toronto		Vancouver			
	Total	Per cent(2)	Total	Per cent(2)	Total	Per cent(2)	Total	Per cent(2)		
1961-74	20	13.8	88	60.7						
1961-67	1	4.1	15	68.2						
1968-74	19	15.4	73	59.3	1					

(1) Metropolitan areas are "Urban core" areas as defined in Census publications. (Catalogue 92-708, Vol. 1, Part 1, Bulletin 1.1-8).

(2) Percentages are calculated on the basis of total unsolved murder incidents in Canada which are "Probable gangland".

Table 4.27

Over the 14 years since 1961, a total of 57 policemen and prison guards were murdered in a total of 50 incidents. There has been a slight numerical increase over the two periods of analysis; in the 1961-67 period there were 25 policemen/prison guard murders and 32 in the 1968-74 period. Compared to increases in other types of murder (such as those involving a domestic, social and business relationship), this increase is disproportionately small. The total incidents in which policemen or prison guards were murdered made up 1.6% of all murder incidents in the 1961-67 period and 1.0% of all murder incidents in the 1968-74 period.

There were 62 suspects involved in these murders, of which 75.8% were charged with murder. As of December 31, 1974, 70.2% of those charged had been convicted of some offence (i.e., capital murder, non-capital murder, manslaughter, other lesser offence). Of those convicted, one man was executed and as of December 31, 1974, six men were awaiting execution. Over the 14-year period, nine of these convicted had death sentences commuted to life imprisonment.

TABLE 4.27. Number of Policemen and Custodial Officers Murdered, Total Suspects, Persons Charged and Convicted, by Year, Canada, 1961-1974

Year	Policemen murdered	Custodial officers murdered	Total suspects	Total(1) persons charged	Total persons convicted
1961	2	1(2)	2	2	1
1962	11	—	10	7	4
1963	—	—	—	—	—
1964	2	1	3	3	2
1965	2	—	2	—	—
1966	3	—	3	3	1
1967	3	—	3	1	1
1968	5	—	9	8	6
1969	5(2)	—	7	7	7
1970	3	—	2	1	1
1971	3(2)	—	2	2	1
1972	3	1	4	2	2
1973	5	—	7	5	5
1974	6	1	8	6	2
Total	53	4	62	47	33

(1) The balance of the suspects committed suicide or were killed in a gunfight.

(2) One incident in each of these years remains unsolved.

Table 4.28

The use of firearms in murder is a matter of widespread concern. During the years 1961-74, there were 2,058 victims of a shooting, 44.7% of the total murder victims. 67.5% of these shooting victims were killed by means of standard, unrestricted rifles and shotguns and 28.3% were killed with a restricted firearm, (e.g., a handgun, sawed-off rifle, or sawed-off shotgun). This means that 12.7% of all murders and over a quarter of all shooting murders, were committed by what Canadian law specifies to be a restricted weapon.

Of the total victims shot to death, 42.2% involved a domestic relationship and 12.3% remain unsolved.

One hundred fifty-three victims (7.4% of all shooting victims) were shot during the commission of another criminal act and half were killed by means of a handgun. (In 1974, this latter proportion was 65.0%.)

Fifty-five point three per cent of the unsolved offences were committed by handguns. In contrast, of all deaths by rifle, 52.2% were domestic murders and of all deaths by shotgun, 55.7% were likewise domestic offences.

Although figures for particular years are not presented here, they show that victims murdered with standard long guns decreased from 75.3% of all shooting murder victims in 1961 to 62.6% in 1974. Over the same period, the figures show an increase in restricted firearm-murdered victims from 10.8% of the total in 1961 to 16.0% in 1974, (23.5% to 31.9% of shooting victims in the respective years).

TABLE 4.28. Firearms and Murder in Canada, 1961-74

Classification of murder by shooting by relationship group	Type of firearm						
	Total murders	Total shooting murders	Rifle	Shotgun	Handgun	Sawed-off rifle/shotgun	Firearm type unknown
All relationship categories	4,606	2,058	1,082	307	522	61	86
Per cent of all victims shot		100.0	52.6	14.9	25.4	2.9	1.2
Per cent of all victims		44.7	23.5	6.7	11.3	1.3	1.4
Domestic total	1,821	869	565	171	103	15	13
Per cent of total victims shot		42.2	27.5	8.3	5.0	0.7	0.7
Per cent of relationship total victims shot		100.0	65.0	19.7	11.9	1.7	1.7
Immediate family	1,277	619	392	124	82	9	11
Per cent of total victims shot		30.1	19.1	6.0	4.0	0.4	0.6
Per cent of relationship total victims shot		100.0	63.3	20.0	13.2	1.5	2.0
Other kinship	214	118	78	28	9	2	1
Per cent of total victims shot		5.7	3.8	1.4	0.4	0.1	--
Per cent of relationship total victims shot		100.0	66.1	23.7	7.6	1.7	0.9
Common-law	330	132	95	19	12	4	2
Per cent of total victims shot		6.4	4.6	0.9	0.6	0.2	0.1
Per cent of relationship total victims shot		100.0	72.0	14.4	9.1	3.0	1.5
Social and business relationship total	1,328	603	336	90	148	18	11
Per cent of total victims shot		29.3	16.3	4.4	7.2	0.9	0.5
Per cent of relationship total victims shot		100.0	55.7	14.9	24.6	3.0	1.8
Lovers' quarrel/love triangle	246	144	82	18	34	6	4
Per cent of total victims shot		7.0	4.0	0.8	1.7	0.3	0.2
Per cent of relationship total victims shot		100.0	56.9	12.5	23.6	1.2	1.4
Close acquaintances	356	168	105	22	37	2	1
Per cent of total victims shot		8.1	5.1	1.0	1.8	0.1	0.1
Per cent of relationship total victims shot		100.0	62.5	13.1	22.0	1.2	1.2
Casual acquaintances	588	234	121	43	58	7	2
Per cent of total victims shot		11.4	5.8	2.3	2.8	0.3	0.1
Per cent of relationship total victims shot		100.0	51.7	18.4	24.8	3.0	1.1
Business relationship	138	57	28	7	19	3	1
Per cent of total victims shot		2.8	1.4	0.3	0.9	0.2	0.1
Per cent of relationship total victims shot		100.0	49.1	12.3	33.3	1.3	0.7
During commission of other Criminal Act	557	153	50	11	76	11	4
Per cent of total victims shot		7.4	2.4	0.5	3.7	0.6	0.2
Per cent of relationship total victims shot		100.0	32.7	7.2	49.7	1.1	0.5
No known relationship	336	180	90	17	55	10	5
Per cent of total victim shot		8.8	4.4	0.8	2.7	0.3	0.2
Per cent of relationship total victims shot		100.0	50.0	9.4	30.6	1.1	0.5
Unsolved	564	253	41	18	140	6	10
Per cent of total victims shot		12.3	2.0	0.9	6.8	0.2	0.3
Per cent of relationship total victims shot		100.0	16.2	7.1	55.3	0.4	1.0

CHAPTER 5. CHARACTERISTICS OF PERSONS INVOLVED IN MURDER AND MANSLAUGHTER

What kinds of people are involved in murder and manslaughter incidents? What sorts of people are victims, what sorts are suspects? Are they young, or old? Male, or female? Unmarried, or married? With little education, or a lot?

Understanding the nature of homicide in Canada requires answers to many such questions and the figures in this chapter will provide some of these answers.

The information in the nine tables of this chapter differs in several important ways from that in Chapter 4. First, while the unit of measurement in Chapter 4 was the incident, in this chapter it is the person. Second, the incidents counted in Chapter 4 were only those reported by police as murder incidents, but the persons counted in Chapter 5 were those involved in all cases of homicide, both murder and manslaughter, as reported by police.

The first three tables deal with the characteristics of homicide victims; the remaining six tables provide a statistical picture of selected characteristics of suspected offenders.

Characteristics of Victims

Table 5.1

Between 1961 and 1974, there were 4,658 victims of homicide in Canada. Six of every ten victims were male, four were female. The proportion of male victims has risen from 57.5% in the 1961-67 period to 62% in the 1968-74 period, with a corresponding decline in the proportion of female victims from 42.4% to 38%.

Over the 14 years, 42.2% of all victims were between 20 and 39 years of age; children under 16 and adults aged 60 years or older comprised nearly one-quarter (23.3%) of all homicide victims.

There has been a distinct decline in recent years in the proportion of all victims who were children under 16, and a distinct increase in the proportion of 16-29 year-old victims.

Male victims outnumber female victims in most age categories, with two exceptions; 7-10 year- and 11-15 year-old victims are equally or more likely to be female than male (due in part to the prevalence of sexual assault murders of young females).

TABLE 5.1. Distribution of Homicide Victims by Age and Sex, Canada, 1961-67, 1968-74 and 1961-74

Period	Age and sex							
	Under 1 year		1-6 years		7-10 years		11-15 years	
	M	F	M	F	M	F	M	F
1961-67:								
Number	16	13	49	46	22	24	21	24
Per cent of total	1.0	0.8	3.1	2.9	1.4	1.5	1.3	1.5
1968-74:								
Number	34	23	69	59	28	34	34	47
Per cent of total	1.1	0.7	2.2	1.9	0.9	1.1	1.1	1.5
1961-74:								
Number	50	36	118	105	50	58	55	71
Per cent of total	1.1	0.8	2.5	2.3	1.1	1.2	1.2	1.5
	16-19 years		20-29 years		30-39 years		40-49 years	
	M	F	M	F	M	F	M	F
1961-67:								
Number	40	50	178	149	193	119	142	119
Per cent of total	2.5	3.2	11.3	9.5	12.2	7.5	9.0	7.5
1968-74:								
Number	138	125	457	294	363	201	333	153
Per cent of total	4.5	4.1	14.9	9.6	11.9	6.6	10.9	5.0
1961-74:								
Number	178	175	635	443	556	320	475	272
Per cent of total	3.8	3.8	13.7	9.6	12.0	6.9	10.2	5.8
	50-59 years		60-69 years		70 years and over		All ages	
	M	F	M	F	M	F	M	F
1961-67:								
Number	117	68	64	29	66	30	910(1)	671
Per cent of total	7.4	4.3	4.1	1.8	4.2	1.9	57.5	42.4
1968-74:								
Number	213	109	116	54	117	65	1,907(3)	1,168(4)
Per cent of total	6.9	3.6	3.8	1.8	3.8	2.1	62.0	38.0
1961-74:								
Number	330	177	180	83	183	95	2,817(5)	1,839(4)
Per cent of total	7.1	3.8	3.9	1.8	3.9	2.0	60.5	39.5
								Total
1961-67:								
Number	117	68	64	29	66	30	910(1)	671
Per cent of total	7.4	4.3	4.1	1.8	4.2	1.9	57.5	42.4
1968-74:								
Number	213	109	116	54	117	65	1,907(3)	1,168(4)
Per cent of total	6.9	3.6	3.8	1.8	3.8	2.1	62.0	38.0
1961-74:								
Number	330	177	180	83	183	95	2,817(5)	1,839(4)
Per cent of total	7.1	3.8	3.9	1.8	3.9	2.0	60.5	39.5

(1) Includes two victims of unknown age.

(2) Includes one victim of unknown age and sex.

(3) Includes five victims of unknown age.

(4) Includes four victims of unknown age.

(5) Includes seven victims of unknown age.

(6) Includes two victims of unknown age and sex.

Chart 5.1

Percentage Distribution of Homicide Victims by Age and Sex, Canada, 1961-1974

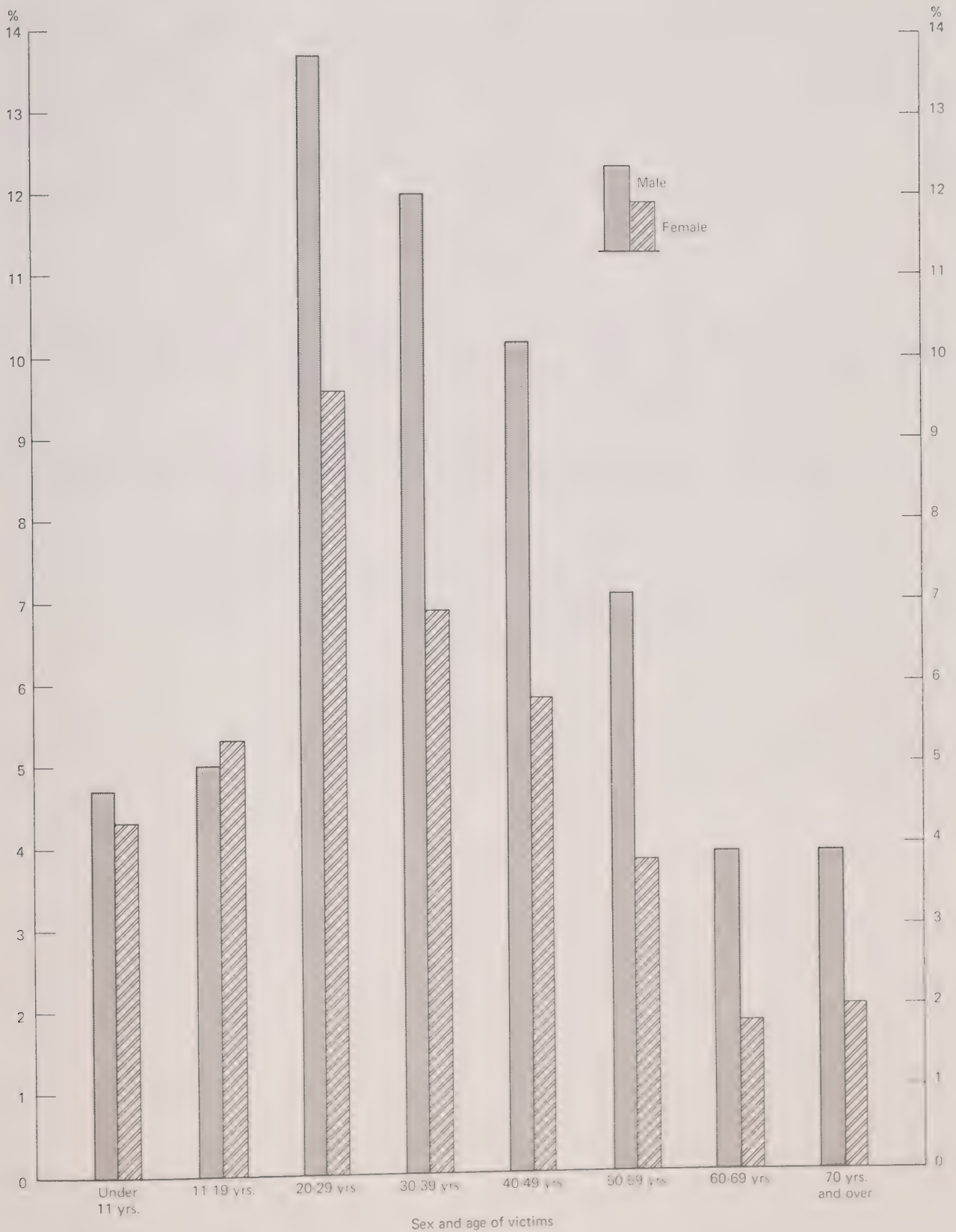


Table 5.2

Chapter 4 showed how widely murders vary in terms of their types and the circumstances under which they occur. Table 5.2 indicates that persons of particular age and sex characteristics are distinctively likely to be killed in particular kinds of relational circumstances.

Of all female victims, 60% are killed in the context of a domestic relationship; this is more than double the proportion (26.8%) of male victims. These family-situated killings of women are proportionately highest for 40-49 year-old females.

Males are more typically victims of homicide involving a non-domestic relationship, no known relationship, the commission of some other criminal act, or unsolved homicide incidents. Compared to the 40.9% of domestic relationship homicide victims who are male, males comprise 76.4% of the victims of "social or business relationship" homicides, 65.7% of "during commission" homicide victims and 85.7% of "no known relationship" homicide victims; as well, 66.1% of the victims of unsolved homicide incidents are male.

Well over three-quarters of all children victims under the age of 11 years are killed by immediate relatives in family homicides, with no difference in proportion between male and female child victims.

TABLE 5.2. Age and Sex of Homicide Victims by Relationship of Suspect to Victim, Canada, 1961-74

Relationship of suspect to victim	Age and sex of victim													
	Under 1 year		1-6 years		7-10 years		11-15 years		16-19 years		20-29 years			
	M	F	M	F	M	F	M	F	M	F	M	F		
Domestic relationship, total	No.	45	32	94	84	31	35	32	25	32	42	109	248	
	%	90.0	88.9	79.7	80.0	62.0	60.3	58.3	55.2	18.6	24.0	17.3	56.0	
Immediate family ..	No.	44	29	83	72	26	31	28	19	18	29	66	170	
	%	88.0	80.5	70.4	68.6	52.0	59.4	56.9	24.8	10.1	14.5	10.1	38.4	
Other kinship	No.	—	2	6	6	5	4	4	3	14	—	29	9	
	%	—	5.6	5.1	5.7	10.0	6.9	7.3	4.2	2.9	—	6.8	2.0	
Common-law family	No.	1	1	5	6	—	—	—	3	—	13	14	69	
	%	2.0	2.8	4.2	5.7	—	—	—	4.2	—	7.4	1.2	15.6	
Social or business relationship	No.	4	1	11	12	6	6	10	6	85	58	280	92	
	%	8.0	2.8	9.3	11.4	12.0	10.3	18.2	5.5	47.7	32.2	54.1	20.8	
During commission of other Criminal Act	No.	—	—	5	5	7	11	6	25	16	30	61	32	
	%	—	—	4.2	4.8	14.0	19.0	10.9	55.2	9.0	12.1	9.6	7.2	
No known relationship	No.	—	—	6	1	4	4	3	4	30	8	81	15	
	%	—	—	5.1	1.0	8.0	6.9	5.3	5.6	16.9	4.4	12.7	3.4	
Unsolved	No.	1	3	2	3	2	2	4	11	15	37	104	56	
	%	2.0	8.3	1.7	2.8	4.0	3.5	7.3	15.5	5.4	21.1	19.8	12.6	
Total	No.	50	36	118	105	50	58	55	71	178	175	635	443	
	%	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	
		30-39 years		40-49 years		50-59 years		60-69 years		70 years and over		All ages		
		M	F	M	F	M	F	M	F	M	F	Total		
Domestic relationship, total	No.	132	232	132	208	81	111	27	44	37	27	753(1)	1,089(1)	1,842
	%	23.7	72.5	27.8	76.5	24.5	62.7	15.0	53.0	20.2	28.5	26.8	59.2	39.6
Immediate family ..	No.	69	157	76	140	59	79	15	37	70	22	504	786(1)	1,290
	%	12.4	49.0	16.0	51.5	17.9	44.6	8.4	44.6	10.9	23.2	17.9	42.7	27.7
Other kinship	No.	34	5	30	9	16	7	6	5	17	5	162(1)	55	217
	%	6.1	1.6	6.3	3.3	4.8	4.0	3.3	6.0	9.3	5.3	5.8	3.0	4.7
Common-law family	No.	29	70	26	59	6	25	6	2	—	—	87	248	335
	%	5.2	21.9	5.5	21.7	1.8	14.1	3.3	2.4	—	—	3.1	13.5	7.2
Social or business relationship	No.	232	45	171	33	123	32	67	14	39	19	1,028	318	1,346
	%	41.7	14.1	36.0	12.1	37.3	18.1	37.3	16.9	21.3	20.0	36.5	17.3	28.9
During commission of other Criminal Act	No.	48	16	51	13	49	14	51	14	71	31	367(2)	192(1)	559
	%	8.7	5.0	10.7	4.8	14.8	7.9	28.3	16.9	38.8	32.6	13.0	10.4	12.0
No known relationship	No.	59	3	55	4	25	4	15	4	15	2	293	49	342
	%	10.6	0.9	11.6	1.5	7.6	2.3	8.3	4.8	8.2	2.1	10.4	2.7	7.3
Unsolved	No.	85	24	66	14	52	16	20	7	21	16	376(3)	191(2)	569(4)
	%	15.3	7.5	13.9	5.1	15.8	9.0	11.1	8.4	11.5	16.8	13.3	10.4	12.2
Total	No.	556	320	475	272	330	177	180	83	183	95	2,817(5)	1,839(3)	4,658(4)
	%	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

- (1) Includes one victim of unknown age.
 (2) Includes two victims of unknown age.
 (3) Includes four victims of unknown age.
 (4) Includes two victims of unknown age and sex.
 (5) Includes seven victims of unknown age.

Table 5.3

Although the great majority (77.8%) of Canada's homicide victims since 1961 have been Caucasian, the Native Peoples are homicide victims far out of proportion to their relative population size. While Native Peoples constituted 1.2% of the population in 1961 and 1.5% in 1971, 16% of Canada's homicide victims since 1961 have been Indian, Métis, or Eskimo.

Homicides among the Native Peoples are committed disproportionately and mainly in the context of domestic relationships, with a much larger proportion than average involving "other kinship" and "common-law" domestic relationships in particular. Correspondingly, a much smaller than average proportion of Indian, Métis and Eskimo homicides occur during commission of another crime, or involve no relationship between suspect and victim, or are unsolved.

The 83 Negroid and Asiatic homicide victims between 1961 and 1974 account for 1.8% of Canada's total homicides during this period. More of these homicides involved a suspect-victim relationship of a social or business kind than of a domestic kind. In very few was there no relationship at all.

Because of the existence of a suspect-victim relationship of some kind in the majority of both Caucasian and non-Caucasian homicides, nearly all homicides in Canada were committed by a person of the same racial background as the victim.

Where Caucasian homicides occur in the context of a domestic relationship, the victim is more likely to be a female than a male (by a ratio of three to two); in contrast, non-Caucasian domestic homicide victims have approximately equal chances of being male or female.

TABLE 5.3. Racial Origin and Sex of Homicide Victims, by Relationship of Suspect to Victim, Canada, 1961-74

Relationship of suspect to victim		Racial origin and sex of victim							
		Caucasian		Negroid		Asiatic		Indian	
		M	F	M	F	M	F	M	F
Domestic relationship, total		No. 515	839	8	9	9	4	178	177
		% 23.6	58.1	27.6	64.3	29.0	44.4	45.0	70.8
Immediate family		No. 379	660	3	6	8	4	91	80
		% 17.4	45.7	10.4	42.9	25.8	44.4	23.0	32.0
Other kinship		No. 72	34	3	1	—	—	73	11
		% 3.3	2.4	10.3	7.1	—	—	19.0	6.8
Common-law family		No. 64	145	2	2	1	—	12	80
		% 2.9	10.0	6.9	14.3	3.2	—	3.0	32.0
Social or business relationship		No. 763	248	20	3	10	2	162	42
		% 35.0	17.2	69.0	21.5	32.3	22.2	41.0	16.8
During commission of other Criminal Act		No. 323	153	—	—	1	2	13	12
		% 14.8	10.6	—	—	3.2	22.2	3.3	4.8
No known relationship		No. 234	39	—	1	4	—	33	6
		% 10.7	2.7	—	7.1	12.9	—	8.4	2.4
Unsolved		No. 347	164	1	1	7	1	9	13
		% 15.9	11.4	3.4	7.1	22.6	11.2	2.3	5.2
Total		No. 2,182	1,443	29	14	31	9	395	250
		% 100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
		Metis		Eskimo		Not known		All racial origins	
		M	F	M	F	M	F	M	F
									Total
Domestic relationship, total		No. 18	15	7	5	18	40	753	1,089
		% 37.5	53.6	53.8	55.6	15.1	46.5	26.8	59.2
Immediate family		No. 5	5	4	4	14	27	504	786
		% 10.4	17.9	30.7	44.5	11.7	31.4	17.9	42.7
Other kinship		No. 7	3	3	—	2	—	162	55
		% 14.6	10.7	23.1	—	1.7	—	5.8	3.0
Common-law family		No. 6	7	—	1	2	13	87	248
		% 12.5	25.0	—	11.1	1.7	15.1	3.1	13.5
Social or business relationship		No. 25	8	6	1	42	14	1,028	318
		% 52.1	28.6	46.2	11.1	35.3	16.3	36.5	17.3
During commission of other Criminal Act		No. —	2	—	3	30	20	367	192
		% —	7.1	—	33.3	25.2	23.2	13.0	10.4
No known relationship		No. 5	2	—	—	17	1	293	49
		% 10.4	7.1	—	—	14.3	1.2	10.4	2.7
Unsolved		No. —	1	—	—	12	11	376	191
		% —	3.6	—	—	10.1	12.8	13.3	10.4
Total		No. 48	28	13	9	119	86	2,317	1,839
		% 100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

(1) Includes two victims of unknown sex.

Characteristics of Suspects

Table 5.4

Males heavily outnumber females (eight to one) as homicide suspects; this gap has narrowed slightly in recent years, though.

The largest single group of homicide suspects was that of 20-29 year-old males, who made up one third of all suspects between 1961 and 1974. As well, this largest single group of suspects has increased considerably in recent years, growing from 29.8% of all suspects in 1961-67 to 35.4% in 1968-74. The percentage of suspects in the 16-19 year-old group has increased significantly, too, especially for females.

In all other age categories, males have declined in their proportion of all homicide suspects, and females have increased.

The growth of the 16-19 and 20-29 year-old groups is partly a product of the post-war "baby bulge". As the large numbers of persons born immediately after World War II move into their late teens and twenties, there would naturally be an increase in the proportion of all homicide suspects who are between 16 and 29 years of age because of the enlarged population of potential offenders. Table 5.5 shows that population changes alone, though, do not account for the increase in these two age groups.

TABLE 5.4. Age and Sex of Homicide Suspects, Canada, 1961-67, 1968-74 and 1961-74

Period	Age and sex							
	7-10 years		11-15 years		16-19 years		20-29 years	
	M	F	M	F	M	F	M	F
1961-67:								
Number	2	—	44	3	165	13	441	60
Per cent of total	0.1	—	3.0	0.2	11.1	0.9	29.8	4.1
1968-74:								
Number	1	—	81	11	373	42	992	115
Per cent of total	—	—	2.9	0.4	13.3	1.5	33.4	4.1
1961-74:								
Number	3	—	125	14	538	55	1,433	175
Per cent of total	0.1	—	2.9	0.3	12.6	1.3	33.4	4.1
	30-39 years		40-49 years		50-59 years		60-69 years	
	M	F	M	F	M	F	M	F
1961-67:								
Number	341	49	171	22	87	6	49	2
Per cent of total	23.0	3.3	11.5	1.5	5.9	0.4	3.3	0.1
1968-74:								
Number	519	101	270	53	139	13	50	2
Per cent of total	18.5	3.6	9.6	1.9	5.0	0.5	1.8	0.1
1961-74:								
Number	860	150	441	75	226	19	99	4
Per cent of total	20.0	3.5	10.3	1.8	5.3	0.4	2.3	0.1
	70 years and over		Age not known		All ages			
	M	F	M	F	M	F	Total	
1961-67:								
Number	18	—	7	2	1,325	157	1,482	
Per cent of total	1.2	—	0.5	0.1	89.4	10.6	100.0	
1968-74:								
Number	25	1	15	1	2,465	339	2,804	
Per cent of total	0.9	—	0.5	—	87.9	12.1	100.0	
1961-74:								
Number	43	1	22	3	3,790	496	4,286	
Per cent of total	1.0	—	0.5	0.1	88.4	11.6	100.0	

Chart 5.2

Percentage Distribution of Homicide Suspects by Age and Sex, Canada, 1961-1974

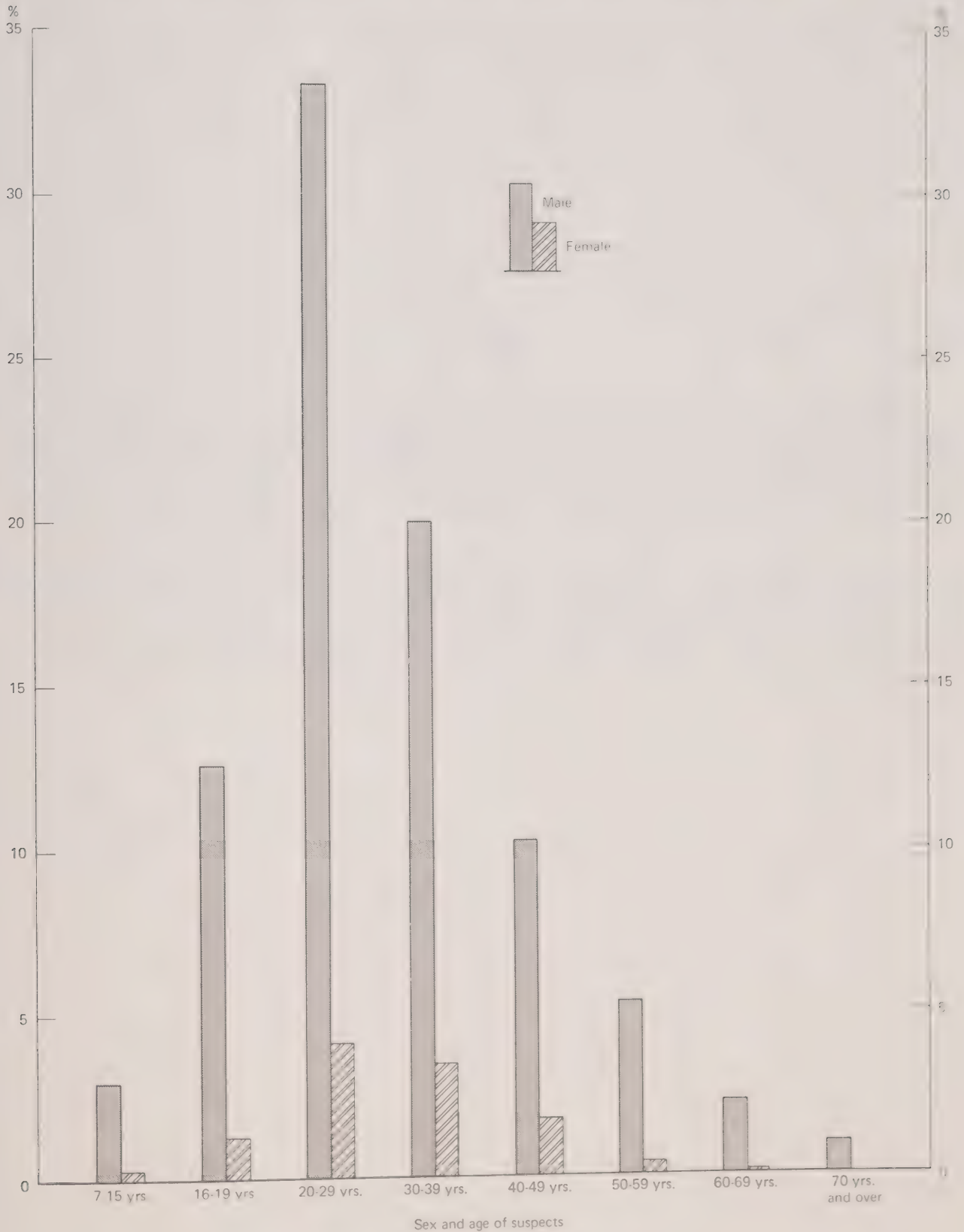


Table 5.5

When the number of suspects in each age and sex category is expressed as a rate (per 100,000 persons in Canada in that age and sex category) to take into account Canada's changing population structure, large differences remain. Table 5.5 shows males in the 20-29 and 30-39 year age groups to have the highest suspect rates of all. The highest rates for females are likewise found in these two age groups.

The suspect rates for all age and sex categories have fluctuated considerably from year to year, making it difficult to identify and measure trends with accuracy. It is clear from Table 5.5, though, that the largest rate increases have occurred among homicide suspects who are 16-19 year-old females, 20-29 year-old males and 11-15 year-old males. There appears to have been a decline among suspects aged 60 years and over.

TABLE 5.5. Group-specific Suspect Rates(1) by Age and Sex of Homicide Suspects, Canada, for Selected Years

Year	Age and sex							
	7-10 years		11-15 years		16-19 years		20-29 years	
	M	F	M	F	M	F	M	F
1961	—	—	0.9	0.1	3.1	0.2	3.4	0.8
1964	—	—	0.3	0.1	3.9	—	5.5	0.4
1967	—	—	0.6	—	3.0	0.1	6.3	0.3
1970	—	—	0.8	0.2	6.8	0.5	7.1	0.8
1973	—	—	0.8	—	7.4	0.9	8.5	1.1
1974	—	—	2.1	—	8.2	1.1	10.1	1.3
	30-39 years		40-49 years		50-59 years		60-69 years	
	M	F	M	F	M	F	M	F
1961	3.0	0.5	2.4	0.3	1.5	—	1.7	—
1964	3.9	0.6	1.8	0.5	1.4	0.1	0.7	—
1967	4.2	0.7	1.8	0.2	1.3	0.2	1.7	—
1970	5.3	0.6	2.9	0.7	1.6	0.1	0.8	—
1973	6.8	0.8	3.9	0.5	1.4	0.3	1.3	—
1974	6.1	1.3	3.4	0.6	2.9	0.2	1.2	0.1
	70 years and over		Age not known		All ages			
	M	F	M	F	M	F	Total	
1961	1.2	—	..	..	2.1	0.3	0.1	
1964	0.2	—	—	..	2.3	0.3	0.0	
1967	0.2	—	..	..	2.3	0.3	0.3	
1970	0.8	—	..	—	0.3	0.3	1.1	
1973	1.4	—	..	..	0.3	0.3	0.3	
1974	0.8	—	..	..	4.8	0.8	2.7	

(1) Number of suspects per 100,000 population in each age and sex category.

Table 5.6

Just as homicides committed in particular kinds of relational circumstances claim victims of particular age and sex characteristics (shown in Table 5.2), so particular kinds of homicides are typically likely to be committed by persons of a particular age and sex. The following is a general profile of the most prevalent homicide types of which persons in selected age and sex categories were suspected.

Domestic relationship homicides were the type in which female suspects of all ages were implicated proportionately most frequently by a wide margin, with the highest frequency (94.7%) of this type of homicide among 50-59 year-old females. (Females aged 30-59 years were implicated as suspects especially frequently in common-law homicides.) Females are suspects next most frequently in social or business relationship homicides, almost regardless of age.

For male suspects 30 years of age or older, the same pattern holds true. Between eight and nine of every ten suspects of this age (whether male or female) were implicated in homicides involving some type of relationship, domestic, social, or business.

Younger male homicide suspects present a different and more complex pattern. Of all 11-15 year-old males, 44.8% were suspected of domestic homicides (with an unusually large proportion of the "other kinship" type), but a further 32% were implicated in homicides committed in the course of another criminal act. Social or business relationship homicides and "during commission" homicides were the two most prevalent types in which two-thirds of all 16-19 year-old male suspects were implicated (37.2% and 29.2% respectively). Males 20-29 years of age were suspects most typically in social or business relationship homicides (40.2%) and "during commission" homicides (23.0%).

TABLE 5.6. Age and Sex of Homicide Suspects by Suspect-victim Relationship, Canada, 1961-74

Table 5.7

Compared with the 45% of all Canadians who are married, only one third of all homicide suspects between 1961 and 1974 were legally married; 45.4% were single (i.e., not previously married). Male suspects were more likely to be single, female suspects were more likely to be married.

Some types of homicide tend broadly to involve suspects having a particular marital status. As we would expect, domestic homicides are most likely to involve suspects who are married either legally or common-law. Nearly nine of every ten female suspects living in a legal or common-law marriage were implicated in domestic homicides, and most of these domestic homicides involved immediate family members.

Divorced and single persons (both male and female) were most likely to be suspects in homicides involving a social or business relationship.

Although there were a relatively small number of homicides involving a lovers' quarrel or lovers' triangle, separated and divorced persons (especially females) were disproportionately involved as suspects in such incidents.

In two thirds of all homicides committed during another crime, the suspect was a single male. And while the majority (60.8%) of all homicides in which there was no clearly known suspect-victim relationship were believed by the police to have been committed by unmarried males, 14.7% of unmarried female suspects were implicated in this type of homicide as well.

TABLE 5.7. Marital Status and Sex of Suspects, by Relationship of Suspect to Victim, Canada, 1961-74

Table 5.8

There appears to be one general aspect of the distribution of education of homicide suspects which is noteworthy. Less-educated persons are substantially over-represented among homicide suspects and better-educated persons are under-represented. Compared with the 34.7% of Canadians older than age five years not in school in 1971 who had a completed primary education or less, 55.9% of all murder suspects between 1961 and 1974 whose education was known were thus educationally qualified; and in contrast to the 3.3% of homicide suspects who were known to have a partial or complete university education, 9.9% of the population not in school in 1971 had attained this level of educational qualification.

There is no distinctive pattern of association between suspects' level of education and the relational type of homicide committed.

TABLE 5.8. Education and Sex of Suspects, by Relationship of Suspect to Victim, Canada, 1961-74

Relationship of suspect to victim		Education and sex of suspects							
		None		Primary education (partial or complete)		Secondary education (partial or complete)		Business or vocational	
		M	F	M	F	M	F	M	F
Domestic relationship, total		No. 44	2	34.0	2	3.6	100	1	1
		% 47.3	28.6	32.0	68.7	30.7	33.0	31.1	100.0
Immediate family		No. 26	2	27.1	2	2.2	79	2	1
		% 28.0	28.6	25.7	32.0	22.0	76.7	22.2	100.0
Other kinship		No. 7	—	80	8	28	3	1	—
		% 7.5	—	6.7	3.7	2.6	3.7	11.1	—
Common-law family		No. 11	—	100	11	6	18	—	—
		% 11.6	—	7.3	19.8	6.1	18.1	—	—
Social or business relationship		No. 37	4	348	33	300	26	1	—
		% 39.7	57.1	39.3	11.0	33.0	19.0	11.4	—
During commission of other Criminal Act		No. 6	—	23	6	24	7	2	—
		% 6.5	—	17.1	3.8	18.0	4.1	11.1	—
No known relationship		No. 6	1	180	11	119	4	1	—
		% 6.5	14.3	11.0	7.0	11.3	2.8	11.1	—
Total		No. 93	7	1,375	177	1,388	147	9	2
		% 100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
		University (partial)		University (complete)		Education not known		All categories	
		M	F	M	F	M	F	M	F
Domestic relationship, total		No. 11	6	22	3	206	14	1,310	166
		% 34.2	100.0	47.8	60.0	39.3	77.0	38.7	77.0
Immediate family		No. 13	3	10	2	180	173	876	73
		% 34.2	63.1	41.9	60.7	26.8	33.7	33.4	36.2
Other kinship		No. —	—	1	—	29	1	173	13
		% —	—	2.2	—	3.3	1.3	3.3	1.8
Common-law family		No. —	1	4	—	31	21	203	71
		% —	100.0	1.7	—	4.9	11.7	8.8	13.3
Social or business relationship		No. 13	—	13	1	138	28	1,080	80
		% 28.9	—	32.6	39.6	16.6	11.7	16.7	18.6
During commission of other Criminal Act		No. 6	—	1	—	71	11	671	29
		% 11.1	—	16.2	—	39.3	1.3	46.1	3.6
No known relationship		No. 3	—	2	2	138	1	311	18
		% 14.7	—	3.3	36.0	10.3	0.3	10.3	1.8
Total		No. 38	4	66	6	1,157	147	2,798	286
		% 100.0	100.0	100.0	100.0	797.0	100.0	389.0	100.0

Table 5.9

Because of the great variation in numbers of males and females in each occupational category, it is difficult to assess the bearing of suspects' occupation separately from suspects' sex on the kind of homicide in which they were implicated. Using the standard Census occupational categories, Table 5.9 offers no clear evidence of a general pattern of association between suspects' occupation and the type of suspect-victim relationship in the homicide.

Some of the figures in this table are noteworthy nonetheless. The proportion of domestic homicides is most markedly above average among suspects in the two "white-collar" occupational categories of professional/managerial and clerical/commercial; domestic homicides are also disproportionately high among suspects who were

farmers, fishermen, loggers, and miners but slightly below average among manual labourers. Although few retired or pensioned persons were charged with a homicide of some kind between 1961 and 1974, in nearly all of these cases the suspect was a male and was related to or acquainted with the victim; the majority of these relationships were domestic in nature.

Thirty-two point six per cent of male student suspects were implicated in "during commission" homicides, nearly double the average of 17.7% for males in all occupational categories.

TABLE 5.9. Occupation and Sex of Suspects, by Relationship of Suspect to Victim, Canada, 1961-74

Relationship of suspect to victim	Profes- sional/ managerial		Clerical/ commercial		Service		Communi- cation/ trans- portation		Agriculture, fishing, logging, mining		Trades		Armed forces	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Domestic relationship, total No.	71	11	56	19	56	35	71	3	140	—	205	3	13	—
%	43.8	68.8	38.6	73.1	30.8	53.0	40.3	100.0	43.9	—	35.4	50.0	43.3	—
Immediate family No.	63	9	44	16	39	18	54	2	91	—	140	2	8	—
%	38.9	56.3	30.3	61.5	21.4	27.3	30.7	66.7	28.5	—	24.2	33.3	26.7	—
Other kinship No.	2	—	3	—	4	2	3	—	18	—	17	—	2	—
%	1.2	—	2.1	—	2.2	3.0	1.7	—	5.7	—	2.9	—	6.6	—
Common-law family ... No.	6	2	9	3	13	15	14	1	31	—	48	1	3	—
%	3.7	12.5	6.2	11.6	7.2	22.7	7.9	33.3	9.7	—	8.3	16.7	10.0	—
Social or business relationship No.	66	3	50	6	74	19	66	—	109	—	210	2	11	—
%	40.7	18.8	34.5	23.1	40.6	28.8	37.5	—	34.2	—	36.2	33.3	36.7	—
During commission of other Criminal Act .. No.	14	1	27	—	30	9	26	—	28	—	104	1	1	—
%	8.7	6.2	18.6	—	16.5	13.6	14.8	—	8.8	—	17.9	16.7	3.3	—
No known relationship No.	11	1	12	1	22	3	13	—	42	—	61	—	5	—
%	6.8	6.2	8.3	3.8	12.1	4.6	7.4	—	13.1	—	10.5	—	16.7	—
Total No.	162	16	145	26	182	66	176	3	319	—	580	6	30	—
%	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	—	100.0	100.0	100.0	—

TABLE 5.9. Occupation and Sex of Suspects, by Relationship of Suspect to Victim, Canada, 1961-74 - Concluded

CHAPTER 6. LEGAL PROCEEDINGS AND COURT DISPOSITIONS OF PERSONS CHARGED WITH MURDER

What happens to persons charged with murder? How many are sent to trial? What proportion are ultimately found guilty of murder? What kinds of sentences are imposed by the courts on these convicted murderers? And what happens to the others who are not convicted of murder?

The answers to these and other related questions are important for what they tell us about the manner in which Canada's justice system responds to incidents of homicide. And since only courts may specify whether a killing was a murder, a manslaughter, or neither, some of these answers are strategic for the statistical purpose of estimating the rate of murder in particular and homicide in general.

Five kinds of information are provided in both graphic and numeric form in this chapter:

- (i) decisions before and immediately after the preliminary hearing stage about the legal status of persons who were charged with murder;
- (ii) decisions by the courts, mainly about the innocence or guilt (or other legal status) of persons originally charged with murder who were sent to trial;
- (iii) sentences imposed on persons convicted of murder, manslaughter, or some other lesser offence.
- (iv) court dispositions and sentences received by persons (a) in each age and sex category and (b) in each suspect-victim relationship category.
- (v) some general summary statistics on trends in the numbers of persons charged, tried, acquitted, and convicted of murder, manslaughter, or other lesser offences.

Where appropriate, a distinction has been maintained between persons charged with murder punishable by death, and persons charged with murder punishable by life imprisonment. Further, because some aspects of criminal proceedings for juveniles charged with murder differ from proceedings for adults, most diagrams, charts, and tables present information on adults only. The exceptions are Diagram 6.1 and Tables 6.5 to 6.9, which pertain to all adult and juvenile persons together.

Diagram 6.1

In the 14 years between 1961 and 1974, 4,606 persons in Canada were reported by police as having been killed by another person in 4,140 separate incidents.

Four thousand two hundred and thirty-five adults and juveniles were suspected by police of having committed these murders. Of these, 83.2% were adult males, 11.0% were adult females, 5.3% juvenile males and 0.5% juvenile females.

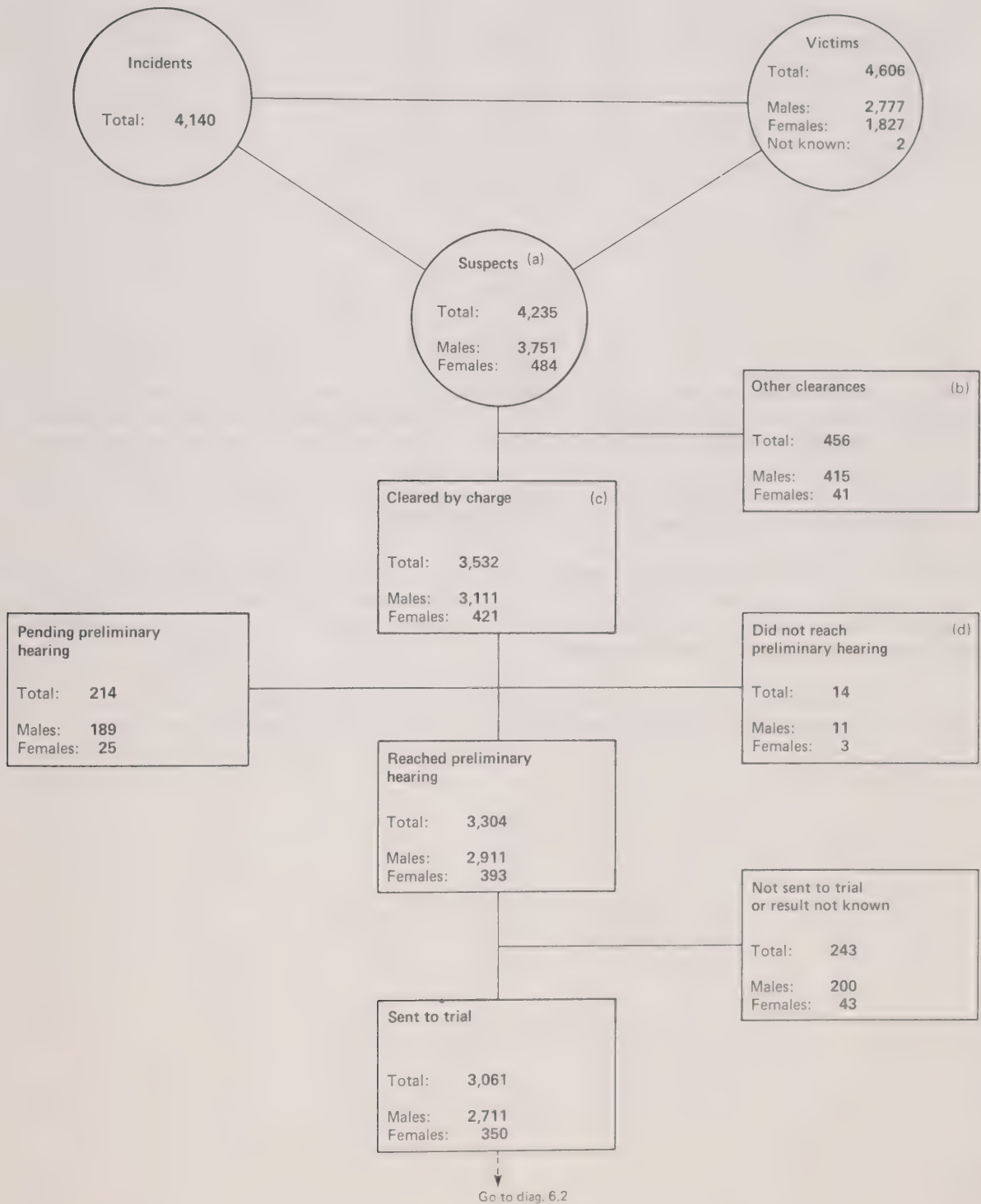
By far the largest proportion of adult suspects were cleared by charge - 88.6%. The remaining 11.4% of adult suspects were cleared otherwise (see glossary for the specific meaning of this term) or by suicide before being charged.

By the end of December 31, 1974, of the total number of adults charged with murder, 6.1% were awaiting their preliminary hearing, 0.4% never reached the preliminary hearing stage, and 93.5% had completed their preliminary hearing.

What happened after the preliminary hearing? Seven point four per cent of the adults were not sent to trial or had no result of the preliminary hearing known for them and 92.6% were bound over for trial.

Diagram 6.1

Incidents, Victims and Legal Status of Murder Suspects Prior to and After Preliminary Hearing, Canada, 1961-1974



- (a) Includes 3,988 adult and 247 juvenile suspects.
- (b) Includes only adult suspects who were cleared otherwise or who committed suicide after the offence.
- (c) All subsequent figures will pertain only to adult suspects.
- (d) Includes those adult suspects who committed suicide after being charged, who died of natural causes after being charged, as well as those who had their charge(s) withdrawn before preliminary hearing.

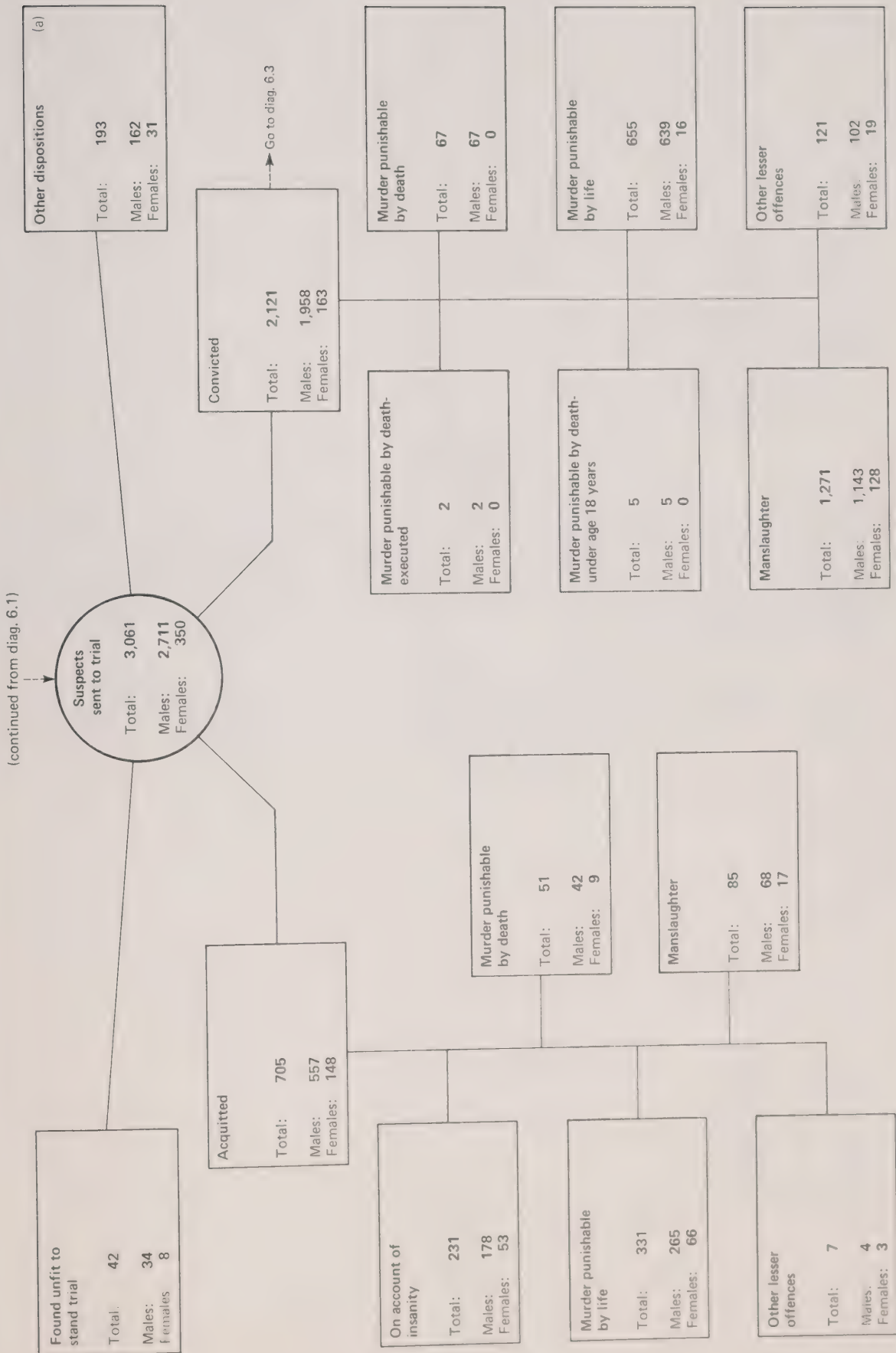
Diagram 6.2

This diagram indicates the outcome of court proceedings for adults originally charged with murder who were sent to trial. (Note, though, that their original charge may have been reduced before going to trial, so not all were tried for murder.)

One point four per cent of all adult suspects were found unfit to stand trial, while 23.0% were acquitted and 69.3% were convicted.

Of the 705 adults who were acquitted, 54.2% were acquitted of murder (either punishable by death or punishable by life imprisonment). Almost 33% of the suspects were acquitted on account of insanity and 13% were acquitted of a reduced charge of manslaughter or of some lesser offence.

Of those adults convicted between 1961 and 1974, 60% were convicted of a reduced charge of manslaughter. Only 34.4% of the suspects were convicted of murder.



(a) Includes those adult suspects who were awaiting trial, who had a stay of proceedings or had their charge(s) withdrawn, who died before conviction or acquittal, who received an absolute discharge, and those for whom their status or disposition at trial was not known.

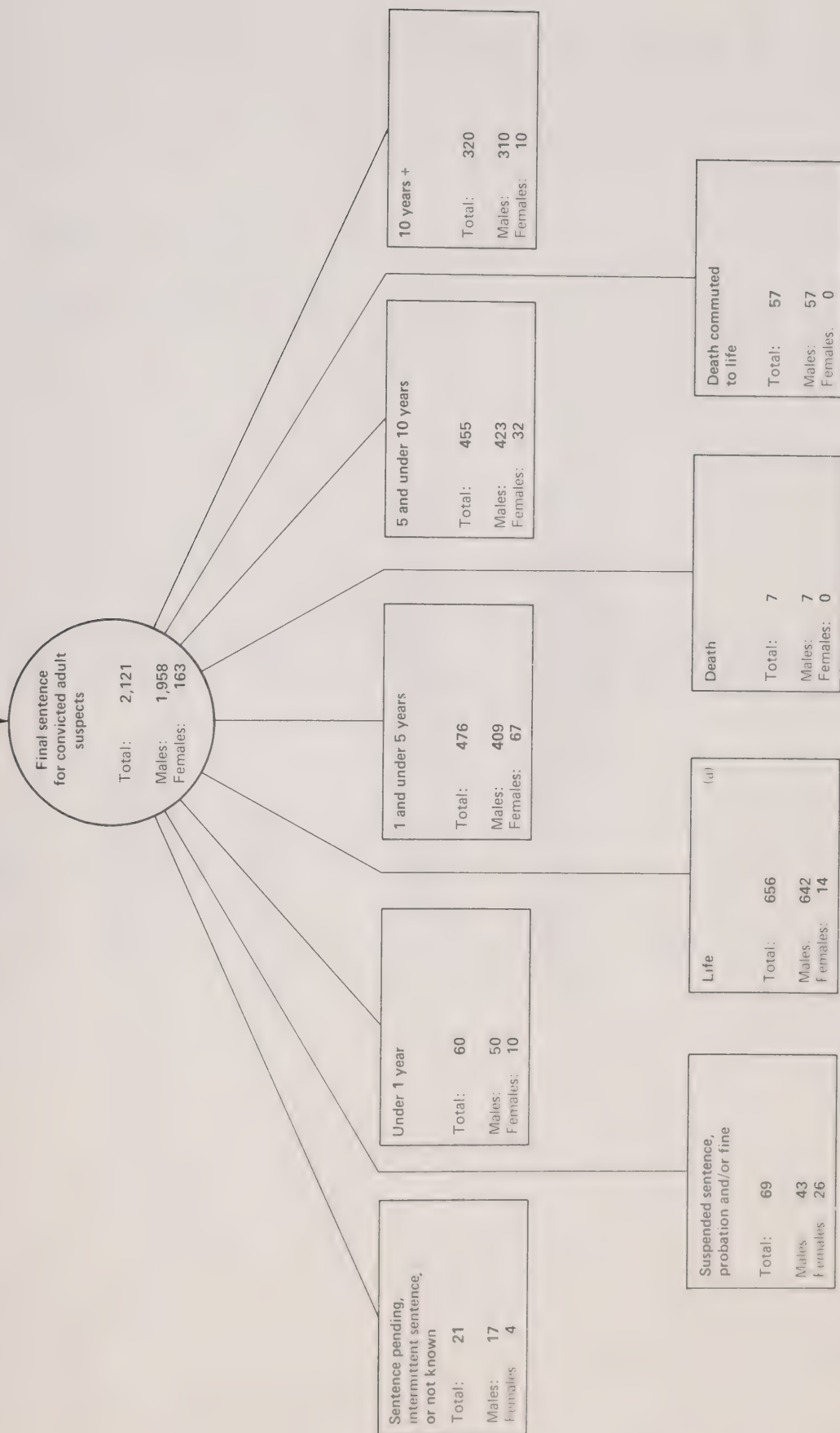
Diagram 6.3

What kinds of final sentences were given to those adults who were convicted? (See Tables 6.1 and 6.2 for information on the numbers of murder convictions, manslaughter convictions and convictions for other lesser offences). While 64 adults were sentenced to death (3% of all convicted adults), only two were actually executed and most of the others had had their death sentences commuted to life imprisonment by the end of December 1974.

Overall, 30.9% of the convicted adults received a sentence of life imprisonment, 15.1% received a sentence of ten years or longer, 21.5% received a sentence of between five and under ten years, and 14.9% received a sentence of between two years and under five years.

Final Sentence of Adult Murder Suspects Sent to Trial, Canada, 1961-1974

(continued from diag. 6.2)



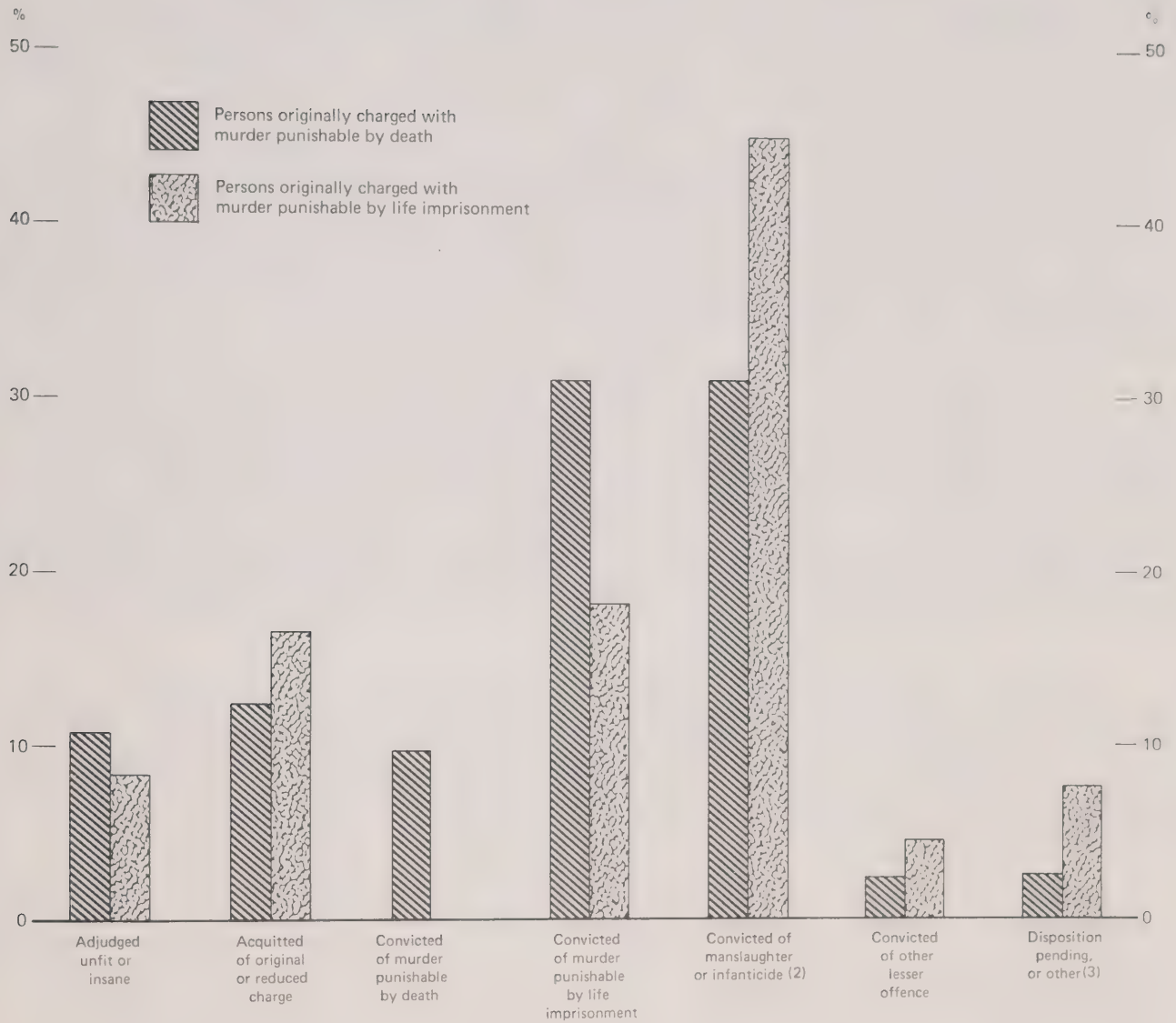
(a) Total includes 5 males under age 18 years who were convicted of murder punishable by death and received automatic life sentences.

Chart 6.1

The pattern of court dispositions of adults originally charged with murder punishable by death and sent to trial is different from the pattern for adults originally charged with murder punishable by life imprisonment. These two patterns of disposition are clearly evident in Chart 6.1.

Chart 6.1

Percentage Distribution⁽¹⁾ of Adults Originally Charged with Murder and Sent to Trial⁽⁴⁾ (by Type of Charge), by Disposition, Canada, 1961-74



Disposition, by type of original charge

(1) See Tables 6.1 and 6.2 for detailed statistics.

(2) Includes convictions for infanticide only after January 1, 1974. For the years 1961 to 1973, all infanticide convictions were classified as "Other lesser Offence" for statistical purposes.

(3) "Other" includes awaiting trial, stay of proceedings, died before disposition, charge withdrawn during court proceedings, absolute or conditional discharge, final disposition not yet reported, and legal status not yet known.

(4) Percentages are calculated for each category of original charge. For example, the 10.8% shown in the first column means that 10.8% of all persons originally charged with murder punishable by death and sent to trial were adjudged unfit or insane, not 10.8% of the total number of persons charged with murder (of both types combined) and sent to trial.

Tables 6.1 and 6.2

Adults who are sent to trial subsequent to being charged with murder have different probabilities of receiving particular dispositions (and sentences) from the courts, according to their age and sex. This is partly due, of course, to the fact that certain types of homicide are more likely than others to be committed by persons of a particular age and sex, and court dispositions vary according to many factors, not the least of them being the context of the homicide. (For information on links between type of murder and court dispositions and sentences, see Tables 6.5 and 6.6.)

Tables 6.1 and 6.2 show the dispositions of adults by particular age and sex categories; Table 6.1 deals only with adults originally charged with murder punishable by death who were sent to trial and Table 6.2 deals only with adults originally charged with murder punishable by life imprisonment who were sent to trial. (No account is taken in either table of the fact that in some cases the original charge was reduced prior to trial; not all (but the majority) of these persons, in other words, were sent to trial on a charge of murder.)

Of all those adults originally charged with murder punishable by death and tried, 71.9% were convicted of homicide of some kind, with only 9.7% actually convicted on their original charge. More than one in every five (23.2%) was acquitted of the charge, acquitted by reason of insanity, or adjudged unfit to stand trial.

Among adults originally charged with murder punishable by life imprisonment and sent to trial, there was a slightly lower proportion of convictions for homicide (67.6%) and a negligibly higher total proportion of acquittals and persons being found unfit to stand trial (24.8%).

Although the overall proportions of non-convictions are quite similar, these two categories of persons (those originally charged with murder punishable by death and those charged with murder punishable by life imprisonment) differ significantly in the proportions of persons who were acquitted on the original or a reduced charge (i.e., all acquittals on grounds other than insanity); 12.4% of persons in the first category (murder punishable by death) were thus acquitted, compared to 16.5% of those in the second category (murder punishable by life imprisonment).

Female adults have a disproportionately higher likelihood than males of being adjudged unfit to stand trial or of being acquitted by reason of insanity, especially when tried for murder punishable by death. While 11% of all adults tried for murder in Canada between 1961 and 1974 were female, one quarter of all persons originally charged with murder punishable by life imprisonment, sent to trial, and found unfit or acquitted by reason of insanity were female. The largest single age category of these females was 30-39 years.

Females were almost as disproportionately likely to be found not guilty of the charge (whether original or reduced); one in every five persons in this disposition category was female (in contrast, only one person in every eight charged with murder was female).

Between 1961 and 1974, three quarters of all male adults tried after being originally charged with murder punishable by death were convicted of some type of homicide - 10.5% of murder punishable by death, 33.7% of murder punishable by life imprisonment and 30.4% of manslaughter. The majority (62.1%) of adult males convicted of capital murder were less than 30 years of age.

Of all the females charged with and tried for capital murder since 1961, not one has been found guilty of murder of any kind; of the convictions, nearly all have been for manslaughter.

Adults originally charged with murder punishable by life imprisonment and convicted of some offence at trial were most commonly convicted of manslaughter (45% of all those tried); 18.1% were convicted of murder. Half of those convicted of murder were 20-29 year-old males.

Overall, two thirds (67.6%) of the adults tried after being charged with murder punishable by life imprisonment were convicted of some form of homicide or of some lesser offence, and 23.7% were acquitted of the original or a reduced charge (exclusive of those acquitted by reason of insanity). Against this broad distribution, variations by age and sex together may be described summarily thus; acquittals were disproportionately most frequent for older persons aged 50 years or more (especially for older females - 46.2% of these adults were acquitted), and disproportionately lowest for 20-29 year-old males (17.8% were acquitted). Conversely, convictions were slightly more prevalent among males (70.6% for all males), particularly those 16-19 years of age (73.8%), and least frequent among 20-29 year-old females (43.4%).

Information on court dispositions and sentences of persons charged with murder committed specifically in the context of a sexual assault was provided in Tables 4.13 (sexual assault on a child) and 4.14 (sexual assault on an adult). Likewise, information on the dispositions and sentences of persons charged with the murder of a stranger was provided in Tables 4.21 and 4.22; the first of these two tables dealt only with suspects in victim-precipitated killings, and the second table dealt only with suspects in suspect-precipitated killings.

TABLE 6.1. Age and Sex of Adults Originally Charged with Murder Punishable by Death and Sent to Trial, by Disposition, Canada, 1961-74

Disposition	Age and sex of adults							
	16-19 years		20-29 years		30-39 years		40-49 years	
	M	F	M	F	M	F	M	F
Admitted unit or insane(1)	11 10.4	1 20.0	22 7.7	3 13.7	20 11.1	6 30.0	11 14.3	3 33.3
Acquitted of original or reduced charge	14 13.2	1 20.0	26 9.1	7 31.8	30 16.7	5 25.0	6 7.8	1 11.1
Convicted of murder punishable by death	16 15.1	— —	30 10.4	— —	14 7.8	— —	9 11.7	— —
Convicted of murder punishable by life imprisonment	38 35.8	— —	109 38.0	— —	52 28.9	— —	22 28.6	— —
Convicted of manslaughter, infanticide(2)	22 20.8	2 40.0	88 30.7	10 45.5	57 31.7	7 35.0	25 32.4	3 33.4
Convicted of other lesser offence	1 0.9	1 20.0	9 3.1	1 4.5	4 2.2	— —	— —	— —
Disposition pending, or other(3)	4 3.8	— —	3 1.0	1 4.5	3 1.6	2 10.0	4 5.2	2 22.2
Total	106 100.0	5 100.0	287 100.0	22 100.0	180 100.0	20 100.0	77 100.0	9 100.0

See footnote(s) at end of table.

TABLE 6.1. Age and Sex of Adults Originally Charged with Murder Punishable by Death and Sent to Trial, by Disposition, Canada, 1961-74 - Concluded

Disposition	Age and sex of adults						
	50-59 years		60 years and over		All ages		
	M	F	M	F	M	F	Total
Adjudged unfit or insane(1)	4 11.8	— —	2 9.1	— —	70 9.9	13 22.0	83 10.8
Acquitted of original or reduced charge	— —	2 100.0	3 13.6	— —	79 11.2	16 27.1	95 12.4
Convicted of murder punishable by death	3 8.8	— —	2 9.1	— —	74 10.5	— —	74 9.7
Convicted of murder punishable by life imprisonment	9 26.5	— —	8 36.4	— —	238 33.7	— —	238 31.1
Convicted of manslaughter, infanticide(2)	16 47.0	— —	7 31.8	1 100.0	215 30.4	23 39.0	238 31.1
Convicted of other lesser offence	2 5.9	— —	— —	— —	16 2.3	2 3.4	18 2.4
Disposition pending, or other(3)	— —	— —	— —	— —	14 2.0	5 8.5	19 2.5
Total	34 100.0	2 100.0	22 100.0	1 100.0	706 100.0	59 100.0	765 100.0

(1) "Insane" designates acquittal by reason of insanity.

(2) Includes convictions for infanticide only after January 1, 1974. For the years 1961 to 1973, all infanticide convictions were classified as "Other lesser offences" for statistical purposes.

(3) "Other" includes awaiting trial, stay of proceedings, died before disposition, charge withdrawn during court proceedings, absolute or conditional discharge, final disposition not yet reported, and legal status not yet known.

TABLE 6.2. Age and Sex of Adults Originally Charged with Murder Punishable by Life Imprisonment and Sent to Trial, by Disposition, Canada, 1961-74

Disposition	Age and sex of adults							
	16-19 years		20-29 years		30-39 years		40-49 years	
	M	F	M	F	M	F	M	F
Adjudged unfit, or insane(1)	17 6.4	2 6.3	55 6.1	16 14.2	34 7.3	19 22.1	17 8.1	8 17.0
Acquitted of original or reduced charge	41 15.6	8 25.0	109 12.1	35 31.0	93 20.0	20 23.3	23 11.0	12 25.6
Convicted of murder punishable by life imprisonment	56 21.3	6 18.7	215 23.9	4 3.5	72 15.5	3 3.5	36 17.1	3 6.4
Convicted of manslaughter, infanticide(3)	122 46.4	6 13.7	402 44.7	39 34.5	220 47.3	35 40.7	108 51.4	19 40.4
Convicted of other lesser offence	16 6.1	3 9.4	40 4.4	6 5.3	14 3.0	7 8.1	10 4.8	1 2.1
Disposition pending, or other(4)	11 4.2	7 21.9	79 8.8	13 11.5	32 6.9	2 2.3	16 7.6	4 8.5
Total	263 100.0	32 100.0	900 100.0	113 100.0	465 100.0	86 100.0	210 100.0	47 100.0

See footnote(s) at end of table.

TABLE 6.2. Age and Sex of Adults Originally Charged with Murder Punishable by Life Imprisonment and Sent to Trial, by Disposition, Canada, 1961-74 - Concluded

Disposition	Age and sex of adults						
	50-59 years		60 years and over		All ages		
	M	F	M	F	M	F	Total
Adjudged unfit, or insane(1)	8 7.3	3 25.0	10 18.2	— —	142(2) 7.1	48 16.5	190 8.3
Acquitted of original or reduced charge	21 19.1	4 33.3	12 21.8	— —	300(2) 14.9	79 27.2	379 16.5
Convicted of murder punishable by life imprisonment	16 14.5	— —	6 10.9	— —	401 20.0	16 5.5	417 18.1
Convicted of manslaughter, infanticide(3)	52 47.3	5 41.7	24 43.7	1 100.0	928 46.3	105 36.1	1,033 45.0
Convicted of other lesser offence	4 3.6	— —	2 3.6	— —	86 4.3	17 5.8	103 4.5
Disposition pending, or other(4)	9 8.2	— —	1 1.8	— —	148 7.4	26 8.9	174 7.6
Total	110 100.0	12 100.0	55 100.0	1 100.0	2,005 100.0	291 100.0	2,296 100.0

(1) "Insane" designates acquittal by reason of insanity.

(2) Includes one adult of unknown age.

(3) Includes convictions for infanticide only after January 1, 1974. For the years 1961 to 1973, all infanticide convictions were classified as "Other lesser offences" for statistical purposes.

(4) "Other" includes awaiting trial, stay of proceedings, and deferral of trial, stay of proceedings, stay of proceedings, absolute or conditional discharge, final disposition not yet reported, and legal status not yet known.

Table 6.3

Between 1961 and 1974, 765 adults were tried after being charged with murder punishable by death; 568, or 74.3%, were subsequently convicted (of homicide or some lesser offence). The sentences imposed on these convicted persons are shown in Table 6.3, distributed in terms of age and sex.

The great majority - 86.6% - were sentenced to prison terms, half of them for life; 15.7% of these prison terms were for terms of less than five years. Of all convicted persons who had been tried for murder punishable by death, 64 (11.3%) were sentenced to death or death commuted to life. (Since 1961, two death sentences have been carried out - both in 1962.)

Once again, sex (and to a lesser extent, age) of convicted adults is related to the type of final sentence imposed on them; males comprise a progressively larger proportion of persons in the more severe categories of sentence. Whereas 16.0% of female adults received sentences of less than two years' imprisonment, this sentence was imposed on 3.8% of all males; no female adult was sentenced to life imprisonment, in contrast to 56.2% of all males being sentenced to life imprisonment or death commuted to life imprisonment. And of all age groups, males aged 16-19 years had the largest proportion of life sentences - 54.6%.

TABLE 6.3. Age and Sex of Adults Originally Charged with Murder Punishable by Death and Convicted of Homicide or Some Lesser Offence, by Final Sentence, (1) Canada, 1961-74

Final sentence	Age and sex							
	16-19 years		20-29 years		30-39 years		40-49 years	
	M	F	M	F	M	F	M	F
Suspended sentence, probation, or fine	No.	—	2	2	—	1	—	—
	%	—	66.7	0.9	—	14.3	—	—
Imprisonment:								
Under 2 years	No.	5	1	9	2	1	2	—
	%	6.5	33.3	3.8	18.2	1.6	14.3	—
2 and under 5 years	No.	5	—	23	1	9	3	2
	%	6.5	—	9.7	9.1	7.1	14.3	66.7
5 and under 10 years	No.	9	—	36	3	23	10	1
	%	11.6	—	15.3	27.2	18.1	42.8	33.3
10 years and over	No.	4	—	23	2	28	9	—
	%	5.2	—	9.7	18.2	22.0	14.3	—
Life	No.	42(2)	—	114	—	51	24	—
	%	54.6	—	48.3	—	40.2	42.8	—
Death	No.	1	—	4	—	1	—	—
	%	1.3	—	1.7	—	0.8	—	—
Death commuted to life	No.	10	—	23	—	12	8	—
	%	13.0	—	9.7	—	9.4	14.3	—
Other sentence, (3) pending, or not known	No.	1	—	2	1	—	—	—
	%	1.3	—	0.9	9.1	0.8	—	—
Total	No.	77	3	236	11	127	56	3
	%	100.0	100.0	100.0	100.0	100.0	100.0	100.0

See footnote(s) at end of table.

TABLE 6.3. Age and Sex of Adults Originally Charged with Murder Punishable by Death and Convicted of Homicide or Some Lesser Offence, by Final Sentence, (1) Canada, 1961-74 - Concluded

Final sentence	Age and sex						
	50-59 years		60 years and over		All ages		
	M	F	M	F	M	F	Total
Suspended sentence, probation, or fine	No.	—	—	—	2	5	7
%	—	—	—	—	0.4	20.0	1.2
Imprisonment:							
Under 2 years	No.	1	—	2	21	4	25
%	3.3	—	11.8	—	3.8	16.0	4.4
2 and under 5 years	No.	5	—	1	46	4	50
%	16.7	—	5.9	—	8.5	16.0	8.8
5 and under 10 years	No.	9	—	3	90	8	98
%	30.0	—	17.6	100.0	16.6	32.0	17.3
10 years and over	No.	3	—	1	68	3	71
%	10.0	—	5.9	—	12.5	12.0	12.5
Life	No.	9	—	8	248(2)	—	248(2)
%	30.0	—	47.0	—	45.7	—	43.7
Death	No.	1	—	—	7	—	7
%	3.3	—	—	—	1.3	—	1.2
Death commuted to life	No.	2	—	2	57	—	57
%	6.7	—	11.8	—	10.5	—	10.0
Other sentence, (3) pending, or not known	No.	—	—	—	4	1	5
%	—	—	—	—	0.7	4.0	0.9
Total	No.	30	—	17	543	25	568
%	100.0	—	100.0	100.0	100.0	100.0	100.0

- (1) "Final sentence" includes all sentences which were changed on appeal, all sentences which were not changed on appeal, and all sentences which may be changed on appeal after December 31, 1974.
- (2) Includes five males under age 18 who were convicted of murder punishable by death but sentenced (as the Criminal Code requires for persons under age 18) to life imprisonment.
- (3) "Other sentence" includes intermittent sentences and paroles. There have been no cases of either kind since 1961 involving adults originally charged with murder punishable by death. (Intermittent sentences were introduced only in 1972.)

Table 6.4

Of the 2,296 adults charged with murder punishable by life imprisonment and tried, a total of 1,553 (67.6%) were convicted of some criminal offence (either homicide or a lesser offence). 95% of those convicted received prison sentences and 4% received a suspended sentence, probation, or a fine. One quarter (26.3%) of all sentences were imprisonment for life, 39.0% were for five years' imprisonment or more and 29.7% were for under five years' imprisonment.

The same pattern of association evident in Table 6.3 between sex and age of convicted persons and severity of sentence holds true here as well. Adult females convicted of some criminal offence after being originally charged with murder punishable by life imprisonment comprised 8.9% of all such convicted persons but made up 33.9% of persons receiving a suspended sentence, probation, or a fine, and only 3.4% of all adults given a life sentence. While males comprised 91.1% of all persons convicted after being charged with murder punishable by life imprisonment, 96.6% of all life imprisonment sentences were imposed on males. And for convicted males and females together, younger persons received more sentences of longer duration than did older persons.

TABLE 6.4. Age and Sex of Adults Originally Charged with Murder Punishable by Life Imprisonment and Convicted of Homicide or Some Lesser Offence, by Final Sentence, (1) Canada, 1961-74

Final sentence	Age and sex							
	16-19 years		20-29 years		30-39 years		40-49 years	
	M	F	M	F	M	F	M	F
Suspended sentence, probation, or fine No.	12	2	16	10	3	6	3	2
%	6.2	13.3	2.4	20.4	1.0	13.3	2.0	8.7
Imprisonment:								
Under 2 years No.	21	3	68	13	33	16	17	10
%	10.8	20.0	10.4	26.5	10.8	35.6	11.0	43.5
2 and under 5 years No.	29	2	100	8	60	9	29	3
%	14.9	13.3	15.2	16.3	19.6	20.0	18.8	13.0
5 and under 10 years No.	43	—	133	10	84	8	40	6
%	22.2	—	20.2	20.4	27.4	17.8	26.0	26.1
10 years and over No.	32	2	120	4	54	1	29	—
%	16.5	13.3	18.3	8.2	17.6	2.2	18.8	—
Life No.	53	5	214	4	70	3	35	2
%	27.3	33.4	32.6	8.2	22.9	6.7	22.7	8.7
Other sentence, (2) pending, or not known No.	4	1	6	—	2	2	1	—
%	2.1	6.7	0.9	—	0.7	4.4	0.7	—
Total No.	194	15	617	49	306	45	154	23
%	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

See footnote(s) at end of table.

TABLE 6.4. Age and Sex of Adults Originally Charged with Murder Punishable by Life Imprisonment and Convicted of Homicide or Some Lesser Offence, by Final Sentence, (1) Canada, 1961-74 - Concluded

Final sentence	Age and Sex						
	50-59 years		60 years and over		All ages		
	M	F	M	F	M	F	Total
Suspended sentence, probation, or fine	No.						
	3	1	4	-	41	21	62
	4.2	20.0	12.5	-	2.9	15.2	4.0
Imprisonment:							
Under 2 years	No.						
	6	2	6	-	151	44	195
	8.3	40.0	18.8	-	10.7	31.9	12.0
2 and under 5 years	No.						
	16	2	7	1	241	25	266
	22.2	40.0	21.9	100.0	17.0	18.1	17.1
5 and under 10 years	No.						
	24	-	9	-	333	24	357
	33.4	-	28.1	-	23.5	17.4	23.0
10 years and over	No.						
	6	-	1	-	242	7	249
	8.3	-	3.1	-	17.1	5.1	16.0
Life	No.						
	17	-	5	-	394	14	408
	23.6	-	13.6	-	27.9	10.1	26.3
Other sentence, (2) pending, or not known	No.						
	-	-	-	-	13	3	16
	-	-	-	-	0.9	2.2	1.0
Total	No.						
	72	5	32	1	1,411	138	1,553
	100.0	100.0	100.0	100.0	100.0	100.0	100.0

(1) "Final sentence" includes all sentences which were changed on appeal, all sentences which were not changed on appeal, and all sentences which may be changed on appeal after December 31, 1974.

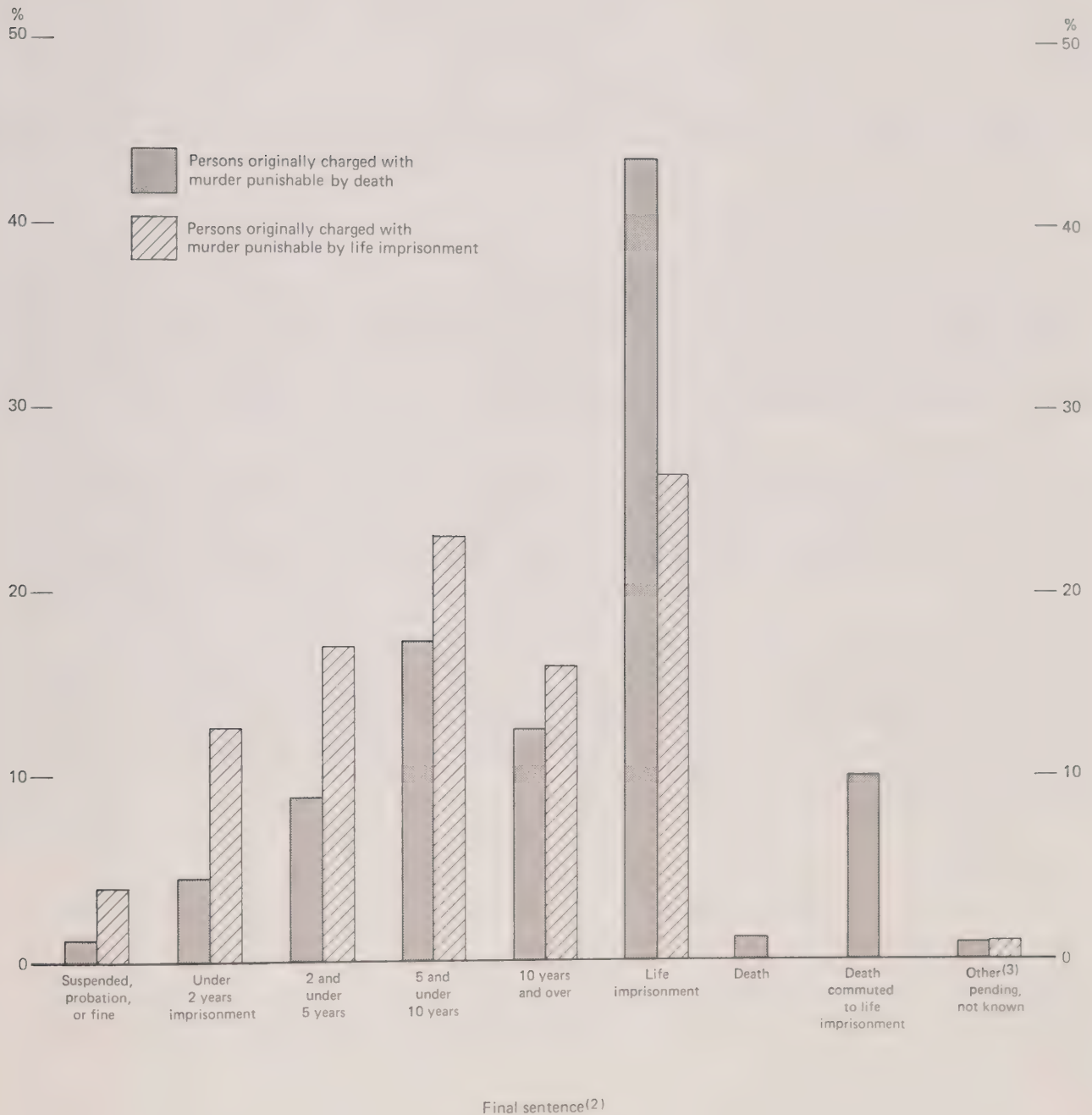
(2) "Other sentence" includes intermittent sentences and pardons. There has been only one intermittent sentence since 1972 when such sentences were first introduced, and no pardons for adults originally charged with murder punishable by life imprisonment since 1961.

Chart 6.2

A comparison of sentences imposed on the two categories of persons (convicted persons originally charged with murder punishable by death and convicted persons originally charged with murder punishable by life imprisonment) is shown graphically in Chart 6.2.

Chart 6.2

Percentage Distribution⁽¹⁾ of Adults Originally Charged with Murder and Convicted⁽⁴⁾ of Any Offence (by Type of Charge), by Final Sentence⁽²⁾, Canada, 1961-74



(1) See Tables 6.3 and 6.4 for detailed statistics.

(2) "Final sentence" includes all sentences which were changed on appeal, all sentences which were not changed on appeal, and all sentences which may be changed on appeal after December 31, 1974.

(3) "Other" includes intermittent sentences and pardons.

(4) Percentages are calculated for each category of original charge. For example, the 1.2% shown in the first column means that 1.2% of all persons originally charged with murder punishable by death and convicted of some offence were given a suspended sentence, probation, or a fine, not 1.2% of the total number of persons charged with murder (of both types combined) and convicted of some offence.

The preceding diagrams, tables, and charts in this chapter have shown how adults charged with murder have been dealt with by our courts. Two things were particularly noteworthy; the wide range of sentences received by those adults who were convicted, and the differences between males and females, between younger and older persons, in the rate of conviction and the severity of sentence.

This information, though, is incomplete. It was shown in Chapters 4 and 5 that persons of particular age and sex are more likely than others to be charged as suspects in particular kinds of murder. Whatever link exists, then, between final verdicts and sentences on the one hand and the age and sex of persons charged with murder on the other hand should exist largely because those verdicts and sentences reflect the nature (that is, the suspect-victim relationship) and circumstances of the homicide. The next two tables provide statistical evidence that this is the case. (Note that Tables 6.5-6.8 contain figures only for the years 1961-73; because the chief concern in presenting these figures is to show accurately the final outcome of murder proceedings and since not all court proceedings for 1974 murder cases had been completed as of December 31, 1974, figures for this last year have been omitted entirely. Note also that these figures include all persons (adults and juveniles), not just adults as in Tables 6.1-6.4.)

Table 6.5

Table 6.5 shows the distribution of court dispositions of persons originally charged with murder, according to the general relationship type of alleged murder they were suspected of having committed.

While an average of 8% of all persons sent to trial were acquitted by reason of insanity, this verdict had a much higher probability of being given in homicide cases characterized by an immediate family relationship (16.7% of persons tried for such cases) and in cases involving a business relationship (18.3%). In contrast to total acquittals (i.e., acquittals of the specified offence as well as acquittals on account of insanity) comprising an average of 24.1% of all persons tried, the highest rate of acquittal occurred in immediate family homicides (33.9% of persons tried for such killings), and the lowest rate of acquittal occurred in "lovers' quarrel" (14.0%) and "during commission" (15.5%) homicides.

Consequently, the proportion of persons tried who are convicted is highest in "lovers' quarrel" (82.6% of the persons tried for such killings) and "during commission" (81.3%) homicides. The proportion of convictions is lowest for immediate family homicides (61.2%) and homicides in which there was no known relationship between suspect and victim (62.1%).

On average, one third of all convicted persons were convicted of murder; murder convictions were proportionately most frequent among persons tried for killings committed during another criminal act, and proportionately least frequent in domestic (especially common-law family) killings. For manslaughter convictions, the pattern is reversed, convictions for family killings are more likely than average to be for manslaughter. Finally, convictions for a lesser offence were disproportionately prevalent in cases where there was no known relationship between suspect and victim, and in cases involving casual acquaintances.

Within each category of suspect-victim relationship, court dispositions also vary significantly according to the sex of the suspected killer.

In the cases of "immediate family" killings, 53.7% of females who were tried were acquitted, in contrast to 27.1% of males. Conversely, males had a higher rate of conviction in these "immediate family" killings than did females.

TABLE 6.5. Disposition of Persons(1) Originally Charged with Murder and Tried, by Relationship of Suspect to Victim, Canada, 1961-73

Relationship of suspect to victim	Disposition											
	Persons charged with murder			Persons tried			Persons acquitted by reason of insanity			Total persons acquitted		
	M	F	T	M	F	T	M	F	T	M	F	T
Domestic relationship, total	No. 882	276	1,158	802	242	1,044	79	42	121	186	120	306
	% 30.1	70.8	34.9	30.3	72.4	35.0	42.2	80.8	50.6	32.6	81.6	42.6
Immediate family	No. 571	205	776	506	175	681	72	42	114	137	94	231
	% 19.5	52.6	23.4	19.1	52.4	22.8	38.5	80.8	47.7	24.0	63.9	32.2
Other kinship	No. 132	13	145	129	11	140	5	—	5	31	4	35
	% 4.5	3.3	4.4	4.9	3.3	4.7	2.7	—	2.1	5.4	2.7	4.9
Common-law family	No. 179	58	237	167	56	223	2	—	2	18	22	40
	% 6.1	14.9	7.1	6.3	16.7	7.5	1.0	—	0.8	3.2	15.0	5.5
Social or business relationship, total	No. 1,140	76	1,216	1,028	61	1,089	56	10	66	212	24	236
	% 38.9	19.5	36.6	38.8	18.3	36.5	30.0	19.2	27.6	37.1	16.3	32.9
Lovers' quarrel, love triangle	No. 164	16	180	162	16	178	7	3	10	20	5	25
	% 5.6	4.1	5.4	6.1	4.8	6.0	3.8	5.8	4.2	3.5	3.4	3.5
Close acquaintance	No. 309	17	326	285	14	299	12	2	14	56	8	64
	% 10.6	4.4	9.8	10.8	4.2	10.0	6.4	3.8	5.8	9.8	5.4	8.9
Casual acquaintance	No. 546	32	578	473	24	497	18	3	21	106	8	114
	% 18.6	8.2	17.4	17.8	7.2	16.7	9.6	5.8	8.8	18.6	5.4	15.9
Business relationship	No. 121	11	132	108	7	115	19	2	21	30	3	33
	% 4.1	2.8	4.0	4.1	2.1	3.8	10.2	3.8	8.8	5.2	2.1	4.6
During commission of other Criminal Act	No. 573	20	593	514	15	529	22	—	22	80	2	82
	% 19.5	5.1	17.8	19.4	4.5	17.8	11.8	—	9.2	14.0	1.4	11.4
No known relationship	No. 337	18	355	303	16	319	30	—	30	93	1	94
	% 11.5	4.6	10.7	11.5	4.8	10.7	16.0	—	12.4	16.3	0.7	13.1
Total	No. 2,932	390	3,322	2,647	334	2,981	187	52	239	571	147	718
	% 100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

See footnote(s) at end of table.

TABLE 6.5. Disposition of Persons(1) Originally Charged with Murder and Tried, by Relationship of Suspect to Victim, Canada, 1961-73 - Concluded

Relationship of suspect to victim	Disposition												
	Persons convicted, by offence												
	Murder			Manslaughter			Other lesser offence			Total persons convicted (1)			
	M	F	T	M	F	T	M	F	T	M	F	T	
Domestic relationship, total	No. %	135 19.4	5 41.7	140 19.8	410 36.6	82 64.6	492 39.4	19 19.6	14 73.7	33 28.4	588 30.0	105 63.6	693 32.6
Immediate family	No. %	85 12.2	2 16.7	87 12.3	239 21.3	47 37.0	286 22.9	10 10.3	13 68.4	23 19.8	352 17.9	65 39.4	417 19.6
Other kinship	No. %	20 2.9	1 8.3	21 3.0	63 5.6	4 3.2	67 5.4	3 3.1	— —	3 2.6	92 4.7	6 3.6	98 4.6
Common-law family	No. %	30 4.3	2 16.7	32 4.5	108 9.7	31 24.4	139 11.1	6 6.2	1 5.3	7 6.0	144 7.4	34 20.6	178 8.4
Social or business relationship, total	No. %	221 31.8	1 8.3	222 31.4	494 44.0	31 24.4	525 42.0	49 50.5	2 10.5	51 44.0	773 39.4	34 20.6	807 37.9
Lovers' quarrel, love triangle	No. %	50 7.2	— —	50 7.1	83 7.4	9 7.1	92 7.4	4 4.1	1 5.3	5 4.3	137 7.0	10 6.1	147 6.9
Close acquaintance	No. %	69 9.9	— —	69 9.7	134 11.9	6 4.7	140 11.2	15 15.5	— —	15 13.0	220 11.2	6 3.6	226 10.6
Casual acquaintance	No. %	79 11.4	— —	79 11.2	235 21.0	14 11.0	249 19.9	25 25.8	1 5.2	26 22.4	344 17.5	15 9.1	359 16.9
Business relationship	No. %	23 3.3	1 8.3	24 3.4	42 3.7	2 1.6	44 3.5	5 5.1	— —	5 4.3	72 3.7	3 1.8	75 3.5
During commission of other Criminal Act	No. %	274 39.4	4 33.3	278 39.3	120 10.7	9 7.1	129 10.3	8 8.2	— —	8 6.9	417 21.2	13 7.9	430 20.2
No known relationship	No. %	65 9.4	2 16.7	67 9.5	98 8.7	5 3.9	103 8.3	21 21.7	3 15.8	24 20.7	185 9.4	13 7.9	198 9.3
Total	No. %	695 100.0	12 100.0	707 100.0	1,122 100.0	127 100.0	1,249 100.0	97 100.0	19 100.0	116 100.0	1,963 100.0	165 100.0	2,128 100.0

(1) "Persons" includes both adults and juveniles.

(2) This total includes juveniles who were "adjudged to be delinquent" in juvenile court.

Table 6.6

Just as there is considerable variation in court dispositions according to the type of suspect-victim relationship in homicides, so there is also variation in the final sentences imposed on those persons who ultimately are convicted. Evidence of this is given in Table 6.6, which shows the final sentence given to convicted males and females according to the relational type of homicide they were involved in.

(This table does not explicitly take into account the variation in sentences which arises from being convicted of a more serious or a less serious offence, murder, as opposed to assault causing bodily harm, for example. Table 6.6 simply shows the final penalty which was imposed on persons charged with murder who were convicted of some criminal offence arising from that homicide.)

Generally, the more lenient sentences were imposed in cases of domestic (especially immediate family) homicide, and the more severe sentences were imposed in cases where homicide was committed in the course of another crime. A suspended sentence, probation, or a fine was given to 4.3% of all convicted persons, but to 9.3% of persons convicted of an offence in the context of an immediate family killing and to 9.0% of persons convicted of some offence as a result of a "no known relationship" homicide. Convicted persons whose conviction was the result of homicide involving a lovers' quarrel, a business relationship or the concurrent commission of another crime were least likely to receive such a lenient sentence (approximately one person in every 100).

At the most severe end of the spectrum of sentences, life imprisonment and death sentences commuted to life imprisonment were imposed on 33.0% of all persons, but on 63.9% of those implicated in a homicide committed during another crime and on 19.7% of those implicated in a domestic homicide. (Four of the five death sentences which had not been commuted as of December 31, 1974 were for murders committed in the course of another crime.)

Four point three per cent of all the males charged with murder and convicted of some criminal offence as a result of a domestic homicide were given a suspended sentence, probation or a fine; for females in the same category, the figure is 23.3%. And while 22.5% of males convicted as a result of a domestic homicide were ultimately sentenced to life imprisonment (including those whose death sentences was commuted to life), 3.9% of such females were so sentenced.

TABLE 6.6. Final Sentence of Persons(1) Originally Charged with Murder and Convicted of Some Offence, by Relationship of Suspect to Victim, Canada, 1961-73

Relationship of suspect to victim	Final sentence														
	Suspended sentence, probation, or fine			Imprisonment											
				Under 2 years			2 and under 5 years			5 and under 10 years			10 years and over		
	M	F	T	M	F	T	M	F	T	M	F	T	M	F	T
Domestic relationship, total	No. 25	24	49	52	34	86	108	19	127	159	17	176	92	2	94
	% 41.7	80.0	54.4	30.2	70.8	39.1	40.2	65.5	42.6	38.0	54.8	39.1	30.0	20.0	29.7
Immediate family	No. 16	22	38	38	17	55	57	10	67	93	10	103	52	1	53
	% 26.7	73.3	42.2	22.1	35.4	25.0	21.2	34.5	22.5	22.2	32.3	22.9	16.9	10.0	16.7
Other kinship	No. 6	—	6	9	2	11	19	—	19	22	2	24	8	—	8
	% 10.0	—	6.6	5.2	4.2	5.0	7.1	—	6.4	5.3	6.4	5.3	2.7	—	2.5
Common-law family	No. 3	2	5	5	15	20	32	9	41	44	5	49	32	1	33
	% 5.0	6.7	5.6	2.9	31.2	9.1	11.9	31.0	13.7	10.5	16.1	10.9	10.4	10.0	10.5
Social or business relationship, total	No. 17	1	18	80	11	91	127	9	136	192	8	200	126	4	130
	% 28.3	3.3	20.0	46.5	22.9	41.4	47.2	31.0	45.6	45.8	25.8	44.5	41.1	40.0	41.0
Lovers' quarrel, love triangle	No. 1	—	1	9	3	12	15	5	20	33	2	35	30	1	31
	% 1.7	—	1.1	5.2	6.2	5.5	5.6	17.2	6.7	7.9	6.5	7.8	9.8	10.0	9.8
Close acquaintance	No. 5	—	5	26	2	28	36	1	37	45	2	47	38	—	38
	% 8.3	—	5.6	15.2	4.2	12.7	13.3	3.5	12.4	10.7	6.5	10.4	12.4	—	12.0
Casual acquaintance	No. 10	1	11	36	5	41	69	3	72	93	3	96	48	3	51
	% 16.6	3.3	12.2	20.9	10.4	18.6	25.7	10.3	24.2	22.2	9.6	21.4	15.6	30.0	16.1
Business relationship	No. 1	—	1	9	1	10	7	—	7	21	1	22	10	—	10
	% 1.7	—	1.1	5.2	2.1	4.6	2.6	—	2.3	5.0	3.2	4.9	3.3	—	3.1
During commission of other Criminal Act	No. 4	1	5	11	1	12	21	1	22	34	3	37	60	3	63
	% 6.7	3.3	5.6	6.4	2.1	5.4	7.8	3.5	7.4	8.1	9.7	8.2	19.5	30.0	19.9
No known relationship	No. 14	4	18	29	2	31	13	—	13	34	3	37	29	1	30
	% 23.3	13.4	20.0	16.9	4.2	14.1	4.8	—	4.4	8.1	9.7	8.2	9.4	10.0	9.4
Total	No. 60	30	90	172	48	220	269	29	298	419	31	450	307	10	317
	% 100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

See footnote(s) at end of table.

TABLE 6.6. Final Sentence of Persons(1) Originally Charged with Murder and Convicted of Some Offence, by Relationship of Suspect to Victim, Canada, 1961-73 - Concluded

Relationship of suspect to victim		Final sentence														
		Imprisonment			Death			Death commuted to life imprisonment			Other sentence,(3) pending			Total(4)		
		Life(2)														
		M	F	T	M	F	T	M	F	T	M	F	T	M	F	T
Domestic relationship, total		No. 119	4	123	-	-	-	11	-	11	11	3	14	97	103	680
Z		19.0	40.0	19.4	-	-	-	19.3	-	19.3	34.4	75.0	38.9	29.8	63.8	32.2
Immediate family		No. 77	1	78	-	-	-	5	-	5	7	2	9	34	63	408
Z		12.3	10.0	12.3	-	-	-	8.8	-	8.8	21.9	50.0	25.0	17.7	38.9	19.3
Other kinship		No. 18	1	19	-	-	-	2	-	2	4	1	5	88	6	94
Z		2.9	10.0	3.0	-	-	-	3.5	-	3.5	12.5	25.0	13.9	4.3	3.7	4.5
Common-law family		No. 24	2	26	-	-	-	4	-	4	-	-	-	144	34	178
Z		3.8	20.0	4.1	-	-	-	7.0	-	7.0	-	-	-	7.4	21.0	8.4
Social or business relationship, total		No. 202	1	203	1	-	1	11	-	11	8	-	8	764	34	798
Z		32.3	10.0	31.9	20.0	-	20.0	19.3	-	19.3	25.0	-	22.2	39.2	21.0	57.8
Lovers' quarrel, love triangle		No. 45	-	45	-	-	-	3	-	3	-	-	-	136	11	147
Z		7.2	-	7.1	-	-	-	5.3	-	5.3	-	-	-	7.6	6.7	6.9
Close acquaintance		No. 61	-	61	1	-	1	4	-	4	3	-	3	219	5	224
Z		9.7	-	9.6	20.0	-	20.0	7.0	-	7.0	9.4	-	8.3	11.2	3.1	15.6
Casual acquaintance		No. 76	-	76	-	-	-	2	-	2	3	-	3	337	15	352
Z		12.2	-	11.9	-	-	-	3.5	-	3.5	9.4	-	8.3	17.3	9.3	16.7
Business relationship		No. 20	1	21	-	-	-	2	-	2	2	-	2	71	3	73
Z		3.2	10.0	3.3	-	-	-	3.5	-	3.5	6.2	-	5.6	5.7	1.9	5.6
During commission of other Criminal Act		No. 244	3	247	4	-	-	29	-	29	13	-	13	400	1	432
Z		39.0	30.0	38.8	80.0	-	-	50.9	-	50.9	31.6	-	36.1	22.5	7.3	20.5
No known relationship		No. 61	2	63	-	-	-	6	-	6	-	1	1	186	13	199
Z		9.7	20.0	9.4	-	-	-	10.3	-	10.3	-	25.0	2.8	9.6	8.0	7.1
Total		No. 626	19	645	5	-	-	51	-	51	32	6	38	1,447	182	1,629
Z		100.0	180.0	166.8	160.0	-	-	100.0	-	100.0	100.0	100.0	100.0	100.0	100.0	100.0

(1) "Persons" includes both adults and juveniles.

(2) Includes five males under age 18 who were convicted of murder punishable by death but sentenced (as the Criminal Code requires for persons under age 18) to life imprisonment.

(3) "Other sentence" includes intermittent sentences, pardons, and also training school sentences for those juveniles who were convicted in juvenile court.

(4) Does not include 20 convicted persons whose sentence is not known.

Table 6.7

Summary information is provided in Tables 6.7 and 6.8 to show a number of general trends since 1961 in legal proceedings arising out of reported homicide offences. These trends are partly obscured by the sometimes large year-to-year fluctuations; the clearest evidence of these trends can be found by comparing averages for the first seven-year period (1961-67) with the corresponding averages for the second period (1968-73).

Figures in Table 6.7 reveal, first, that a diminishing percentage of reported murder offences are resulting in a murder charge or other clearance, down from 92.7% during 1961-67 to 85.8% during 1968-73. Second but less markedly, the proportion of persons charged with murder who ultimately are sent to trial has been declining since the late 1960's. A third and particularly significant trend is the diminishing proportion of persons who are acquitted after being charged with murder and sent to trial, with a related increase in the proportion of persons who are convicted of some offence as a direct result of the homicide.

Further trends in the types of convictions will be found in Table 6.8.

TABLE 6.7. Summary Statistics on Murder in Canada, by Year, 1961-73(1)

Year	Reported murder offences (victims)		Charges of murder and other clearances		Persons(2) charged with murder and tried		Persons(2) acquitted by reason of insanity		Total persons(2) acquitted(3)		Total convictions(4)	
	Number	Rate(5)	Number	Per cent of reported offences	Number	Per cent of persons charged(6)	Number	Per cent of persons tried	Number	Per cent of persons tried	Number	Per cent of persons tried
1961	185	1.0	173	93.5	138	94.5	9	6.5	52	37.7	80	58.0
1962	217	1.2	194	89.4	132	90.4	16	12.1	40	30.3	88	66.7
1963	215	1.1	196	91.2	172	87.8	10	5.8	54	31.4	111	64.5
1964	218	1.1	205	94.0	160	90.4	6	3.8	33	20.6	118	73.8
1965	243	1.2	231	95.1	170	88.1	11	6.5	35	20.6	129	75.9
1966	222	1.1	211	95.1	190	92.2	22	11.6	54	28.4	120	63.2
1967	282	1.4	257	91.1	184	94.4	13	7.1	40	21.7	136	73.9
1968	315	1.5	270	85.7	245	89.7	23	9.4	57	23.3	171	69.8
1969	347	1.6	292	84.2	270	94.4	21	7.8	60	22.2	200	74.1
1970	433	2.0	376	86.8	298	91.4	21	7.0	70	23.5	214	71.8
1971	426	2.0	369	86.6	334	91.0	29	8.7	69	20.7	252	75.4
1972	479	2.2	413	86.2	346	87.8	28	8.1	71	20.5	259	74.9
1973	479	2.2	408	85.2	342	82.0	30	8.8	83	24.3	250	73.1
1961-73	4,061	1.5	3,595	88.5	2,981	89.7	239	8.0	718	24.1	2,128	71.4
1961-67	1,582	1.2	1,467	92.7	1,146	91.0	87	7.6	308	26.9	782	68.2
1968-73	2,479	1.9	2,128	85.8	1,835	88.9	152	8.3	410	22.3	1,346	73.4

- (1) Since not all court proceedings for 1974 murder cases had been completed as of December 31, 1974, figures for this year have been omitted entirely.
- (2) "Persons" includes adults and juveniles. Note that one person could conceivably be charged with and tried for more than one murder.
- (3) "Total persons acquitted" includes persons acquitted by reason of insanity as well as all persons acquitted for other reasons.
- (4) "Total convictions" includes all convictions for murder, for manslaughter, and for other lesser offences, in cases of adults originally charged with murder and it also includes juveniles originally charged with murder who were "adjudged to be delinquent".
- (5) Per 100,000 population.
- (6) "Persons charged" is not identical to "Charges of murder" as included in the preceding column. "Charges of murder" refers to the actual number of offences cleared by charge, whereas "Persons charged" refers to persons who were charged with murder, some of whom could have been charged with more than one murder committed in separate incidents. Where one person is suspected of having committed more than one murder in a single incident, that person is counted for statistical purposes only once, although more than one charge of murder may be laid against him/her.

Table 6.8

Table 6.8 extends the preceding table by providing more detailed information about the nature of all those convictions which were the end result of a charge of murder being laid.

Although the number of convictions specifically for murder has risen, these convictions have declined as a proportion of all persons charged, as a proportion of all persons tried, and as a proportion of all convictions. Reciprocally, manslaughter convictions have risen substantially as a proportion of all convictions of persons originally charged with murder; in the six years between 1968 and 1973, convictions for manslaughter were received by 45.2% of the persons tried, in contrast to only 36.6% in the seven years between 1961 and 1967.

Overall, though, total homicide convictions (i.e., all convictions for murder and manslaughter combined) have increased as a percentage of the number of persons tried (from 63.5% in the first period to 66.9% in the second).

It has been noted repeatedly throughout this report that only courts are empowered to decide positively whether a death reported as a murder was a murder or a manslaughter or neither. These summary statistics show that a diminishing proportion of deaths initially reported by police to be murder offences (and a consequent diminishing proportion of murder charges) are ultimately specified by the courts (in a murder conviction) to have been murder; an increasing proportion of reported murders, however, are ultimately defined to have been some kind of homicide (through a conviction for either murder or manslaughter). It is clear, too, that when final court dispositions are taken as the most stringent measure of the number of murders and used as the basis for calculating the rate of murder, this murder conviction rate has shown a much smaller increase in recent years than has the rate of police-reported murders; while the average murder conviction rate during the 1968-73 period was 34.8% greater than during the 1961-67 period, the corresponding increase in the police-reported murder rate was 64.1%. The actual change in the true rate of murder lies somewhere between these two extremes, since the police-reported rate of murder is higher than the true murder rate, and the rate based on court convictions is almost certainly lower than the true murder rate.

TABLE 6.8. Summary Statistics on Convictions Arising Out of Murder Charges in Canada, by Year, 1961-73

Year	Total convictions(1)		Convictions for murder				
	Number	Per cent of persons tried	Number	Per cent of reported murder offences	Per cent of persons charged	Per cent of persons tried	Per cent of total convictions
1961	80	58.0	31	16.8	21.2	22.5	38.8
1962	88	66.7	42	19.4	28.8	31.8	47.7
1963	111	64.5	46	21.4	23.5	26.7	41.4
1964	118	73.8	53	24.3	29.9	33.1	44.9
1965	129	75.9	54	22.2	28.0	31.8	41.9
1966	120	63.2	41	18.5	19.9	21.6	34.2
1967	136	73.9	42	14.9	21.5	22.8	30.9
1968	171	69.8	36	11.4	13.2	14.7	21.1
1969	200	74.1	60	17.3	21.0	22.2	30.0
1970	214	71.8	59	13.6	18.1	19.8	27.6
1971	252	75.4	83	19.5	22.6	24.9	32.9
1972	259	74.9	78	16.3	19.8	22.5	30.1
1973	250	73.1	82	17.1	19.7	24.0	32.8
1961-73	2,128	71.4	707	17.4	21.3	23.7	33.2
1964-73	782	68.2	309	19.5	24.5	27.0	39.5
1968-73	1,346	73.4	398	16.1	19.3	21.7	29.6

See footnote(s) at end of table.

TABLE 6.8. Summary Statistics on Convictions Arising Out of Murder Charges in Canada, by Year, 1961-73 - Concluded

Year	Convictions for manslaughter			Homicide(2) convictions		Conviction rates(3) for murder and homicide(2)		Convictions for other lesser offences	
	Number	Per cent of persons tried	Per cent of total convictions	Number	Per cent of persons tried	Murder	Homicide(2)	Number	Per cent of total convictions
1961	42	30.4	52.5	73	52.9	0.17	0.40	5	6.3
1962	43	32.6	48.9	85	64.4	0.23	0.46	1	1.1
1963	58	33.7	52.3	104	60.5	0.24	0.55	4	3.6
1964	60	37.5	50.9	113	70.6	0.28	0.59	4	3.4
1965	62	36.5	48.1	116	68.2	0.28	0.59	8	6.2
1966	68	35.8	56.7	109	57.4	0.21	0.55	10	8.3
1967	86	46.7	63.2	128	69.6	0.21	0.63	6	4.4
1968	111	45.3	64.9	147	60.0	0.17	0.71	14	8.2
1969	124	45.9	62.0	184	68.1	0.29	0.88	8	4.0
1970	131	44.0	61.2	190	64.8	0.28	0.89	14	6.5
1971	149	44.6	59.1	232	69.5	0.39	1.08	17	6.8
1972	166	48.0	64.1	244	70.3	0.36	1.12	9	3.5
1973	149	43.6	59.6	231	67.5	0.37	1.03	16	6.4
1961-73	1,249	41.9	58.7	1,956	65.6	0.27	0.74	116	5.5
1961-67	419	36.6	53.6	728	68.3	0.23	0.84	38	4.9
1968-73	580	45.2	61.7	1,228	66.9	0.31	0.96	78	5.8

(1) "Total convictions" includes all convictions for murder, for manslaughter, and for other lesser offences, in cases of persons originally charged with murder. This total includes some inmates for whom Statistics Canada does not have information on the particular type of conviction they received. Thus, in some years the "Total convictions" figure may not equal the sum of the specific types of conviction.

(2) Homicide here refers to murder and manslaughter together but does not include infanticide.

(3) Per 100,000 population.

CHAPTER 7. ADDITIONAL INFORMATION ON CONVICTED MURDERERS AND PERSONS SUSPECTED OF MURDERING MORE THAN ONCE

This chapter addresses two other aspects of homicide in Canada. The first section deals only with persons convicted of murder and their prior and subsequent history (if any) of criminal behaviour, incarceration, and parole. The second section deals with persons who were suspected of involvement in more than one incident of homicide, repeater or multiple killers, in other words.

The first section addresses itself to such questions as; how many convicted murderers are presently imprisoned in Canadian Penitentiaries?; for what types of murder were these persons convicted and imprisoned; what proportion of presently incarcerated murderers were previously released on parole and then subsequently reimprisoned?; what was the average length of time served in prison before release on parole?; how many convicted murderers are now on parole? The information presented in this section was supplied by the Ministry of the Solicitor General. It is derived from preliminary (and in places, incomplete) data and as such it cannot be used as the basis for constructing firm generalizations, it is intended to be only generally and tentatively descriptive.

The second section deals with that group of persons who were suspected of involvement in more than one homicide incident. There are two distinct groups within this classification:

- (a) Persons suspected of murder who, after being identified and apprehended by police and (in most cases) tried by a court, were involved as suspects in a new homicide incident.
- (b) Persons who appear to have killed more than once in separate homicide incidents before being apprehended by the police.

These two groups are examined separately. The analysis of the first group of persons addresses such questions as: how many convicted murderers kill again?, and how many paroled murderers kill while on parole? The second group is examined in terms of the type of murder committed (sexual assault murders, for example), patterns of killing by multiple murderers and the length of time between the murder incidents they were suspected of being involved in.

Information in this second portion of the chapter is drawn from data compiled by the Justice Statistics Division of Statistics Canada since 1961.

PART I. CONVICTED MURDERERS: THEIR SUBSEQUENT HISTORY OF
CRIMINAL BEHAVIOUR, INCARCERATION AND PAROLE

Convicted Murderers in Canadian Penitentiaries

As of July 1975, there were 634 convicted murderers serving life sentences in Canadian penitentiaries. This total includes only persons convicted of murder and does not include those persons charged with murder and subsequently convicted of a lesser offence such as manslaughter. These 634 convicted murderers represent 7.4% of the total penitentiary prisoner population at that time. Of these 634 prisoners, 73 were convicted of murder punishable by death with their sentence subsequently commuted to life imprisonment and the remaining 561 were convicted of murder punishable by life imprisonment. Eleven (1.7%) of these imprisoned murderers are female.

The year in which these prisoners were sentenced and their age at time of sentence is shown in Table 7.1 following. It should be noted that prior to September 1961 all murder convictions were punishable by death. Most murder convictions after September 1961 have been convictions for murder punishable by life imprisonment. Because of factors such as parole and death, the majority of presently incarcerated murderers were convicted and sentenced in the last 14 years. Most of the very early cases listed in this table are murderers who are presently in, or have previously resided in mental hospitals but remain under the jurisdiction of the Canadian Penitentiary Service. Only 24 of the 634 murderers presently incarcerated had previously been paroled for the murder conviction; thus, 96.2% of convicted murderers presently incarcerated have never been paroled.

While the age distribution of these 634 incarcerated convicted murderers is generally similar to that for all suspects charged with murder, the proportion within the 21-30 year age category is somewhat higher. There is a trend, though, with the proportion of convicted murderers in this age category increasing rapidly. For example, in the period 1961 to 1967, 37.3% of convicted murderers were 21-30 in age at time of sentence, whereas of those sentenced in the 1968 to 1974 period 50.5% were of this age group. It should be noted that the age range (21-30) used in this section differs from that utilized (20-29) in chapters five and six. This is attributable to the different sources of information.

TABLE 7.1. Number of Convicted Murderers Imprisoned in Custody of the Canadian Penitentiary Service as of July, 1975, by Age at Sentence and Year of Sentence

Year	Total convicted murderers	16-20 years of age	21-30 years of age	31-40 years of age	41-50 years of age	51-55 years of age	56 years of age and over
1921-40	6	—	4	2	—	—	—
1941-50	3	2	1	—	—	—	—
1951-60	23	5	11	5	2	—	—
1961	7	—	2	2	1	1	1
1962	16	5	6	1	2	1	1
1963	26	6	7	7	5	—	1
1964	21	3	7	5	5	1	—
1965	27	9	14	2	2	—	—
1966	28	4	11	10	2	—	1
1967	28	6	10	8	3	1	—
1968	37	8	22	4	3	—	—
1969	43	6	22	9	3	—	3
1970	55	11	28	12	2	2	—
1971	59	13	22	14	7	2	1
1972	87	18	47	15	3	2	2
1973	59	11	34	6	6	1	1
1974	83	23	39	10	8	1	2
As of July 1975	26	7	11	5	2	—	1
1920, July 1975:							
Total	634	137	298	117	56	12	14
Per cent	100.0	21.6	47.0	18.5	8.8	1.9	2.2
1961-74:							
Total	576	123	271	105	52	12	13
Per cent	100.0	21.3	47.1	18.2	9.0	2.1	2.3
1961-67:							
Total	153	33	57	35	20	4	4
Per cent	100.0	21.6	37.2	22.9	13.1	2.6	2.6
1968-74:							
Total	423	90	214	70	32	8	9
Per cent	100.0	21.3	50.6	16.5	7.6	1.9	2.1

Convicted Murderers Admitted to Penitentiary between 1970 and 1973

A sample of convicted murderers who were admitted to penitentiaries between 1970 and 1973 was selected. Within this period, 317 convicted murderers were admitted to penitentiaries in Canada. Because of gaps and other difficulties in the files of some of these persons, not all could be examined and so the sample was reduced to 237 prisoners, or approximately 75% of the original group. This is a select group, one composed solely of persons convicted of murder and not those charged with murder but convicted of manslaughter or some other lesser offence. While this sample may not be fully representative, it does provide descriptive statistical information.

TABLE 7.2. Type of Murder Incidents Committed by
Convicted Murderers Admitted to Penitentiary
During 1970-73, in Canada

Relationship of convicted murderer to victim(s)	Number	Per cent (1)
Domestic	34	14.0
Lovers' quarrel, love triangle	19	8.0
Close acquaintance	19	8.0
Casual acquaintance	31	13.0
Business relationship	12	5.0
During commission of another Criminal Act	103	44.0
No known relationship	19	8.0
Total	237	100.0

(1) Percentage is calculated on basis of sample total (i.e., 237).

The distribution of murder incidents by type (i.e., suspect-victim relationship type) in which these penitentiary-imprisoned murderers were involved is very different from the distribution for all murder incidents. For example, 44% of this sample of murderers committed murder during another criminal act, whereas 12.5% of all solved murder incidents over the period 1968 and 1974 occurred in the course of another crime. Similarly, only 14% of this group were involved in a domestic murder incident compared to 44 % of all solved murder incidents which were domestic during the 1968 and 1974 period. This sharp disparity cannot be attributed entirely to the manner in which this sample of imprisoned murderers was derived. These figures indicate that those who are charged with committing homicide during another criminal act are much more likely to be convicted of murder, rather than manslaughter or a lesser offence, than those who commit other types of murders. The above comparison of the percentage of domestic murders which resulted in murder convictions supports this conclusion. An additional intervening factor is that on the average, murders committed during commission of another criminal act have the highest ratio of suspects per incident, and thus, more suspects per incident are convicted of murder.

Convicted Murderers and Parole

This section describes what has happened to convicted murderers after they were incarcerated.

TABLE 7.3. Persons Convicted of Murder Punishable by Death
(Sentence Commuted to Life Imprisonment),
Parole Status, Canada, 1920 - July 1975(1)

	Number	Per cent
Died while in custody (never paroled)	18	7.8
Presently in custody (never paroled)	66	28.4
Paroled(2)	148	63.8
Total prisoners	232	100.0

(1) During this period there were 387 executions for murder.

(2) This includes convicted murderers who have been paroled one or more times, and paroles for deportation and voluntary departure.

TABLE 7.4. Persons Convicted of Murder Punishable by Life Imprisonment,
Parole Status, Canada, 1961(1) to July 1975

	Number	Per cent
Died while in custody (never paroled)	18	3.0
Presently in custody (never paroled)	544	83.0
Paroled(2)	94	14.0
Total prisoners	656	100.0

(1) Prior to September 1, 1961, all murder was punishable by death. Thus, this table only provides figures for the September 1, 1961 to July 1975 period.

(2) This includes convicted murderers who have been paroled one or more times and parole for deportation and voluntary departure.

The considerable variation between the percentage of paroled prisoners convicted of murder punishable by death whose sentence was commuted to life imprisonment (shown in Table 7.3) and the percentage of paroled prisoners convicted of murder punishable by life imprisonment (Table 7.4) is due primarily to the legislative changes which are the basis of the distinction between these groups. The first group (Table 7.3) is composed of prisoners who were convicted between 1920 and July 1975.

The majority of these convictions took place prior to September 1, 1961, the date on which the first distinction between capital and non-capital murder came into effect. The second group (Table 7.4) consists of prisoners who were convicted of non-capital murder, an offence which did not exist prior to September 1, 1961 (because until that date all murder was defined by law as murder punishable by death). Thus, the disparity between groups in terms of percentage paroled is primarily due to statutory change. The statistics indicate a relatively high rate of success for murderers released on parole. During the period 1920 to July 1975, a total of 148 prisoners serving death commuted to life imprisonment sentences were released on a first parole. Eight of these were paroled for deportation or voluntary departure. Of the remaining 140 cases, 15% were reincarcerated through revocation or forfeiture of their parole. (Further details will be found in Table 7.5.) A total of 94 prisoners convicted of murder punishable by life imprisonment have been released on first parole during the period 1961 to July 1975 (with the majority of these released in recent years). Two of these were paroled for deportation or voluntary departure. Of the remaining 92 cases, 22.8% were reincarcerated through revocation or forfeiture of parole. Of the total of 232 murderers(1) who were released on parole during the years 1920 to July 1975, 18% were reincarcerated. The parole outcome and current status of persons convicted of murder punishable by death, (commuted to life imprisonment) and murder punishable by life imprisonment who were granted a first parole is provided in the following tables (Tables 7.5 and 7.6).

(1) An additional ten persons were paroled for deportation or voluntary departure.

TABLE 7.5. Parole History of Persons Convicted of Murder Punishable by Death,
(Sentence Commuted to Life Imprisonment),
who were Paroled Between 1920 and July 1975

	Number	Per cent
Total released on first parole	148	100.0
Paroled for deportation or voluntary departure	8	5.4
Still on first parole	61	41.2
Died while on first parole	8	5.4
Case "aged to archives"(1)	49	33.1
Parolee pardoned	1	0.7
Violated first parole (and)	21	14.2
Now on second parole	5	3.4
Now on third parole	1	0.7
Presently in custody	7	4.7
Died in custody(2)	3	2.0
Died while on subsequent parole	2	1.4
Case "aged to archives"(1) during second parole	3	2.0

(1) "Aged to archives" refers to cases in which after a lengthy period on parole the parole case is "closed" as the parolee is judged unlikely to commit further offences because of age and/or senility.

(2) Includes one person executed for committing a second murder while on parole.

TABLE 7.6. Parole History of Persons Convicted of Murder
Punishable by Life Imprisonment,
who were Paroled Between 1961 and July 1975

	Number	Per cent
Total released on first parole	94	100.0
Paroled for deportation or voluntary departure	2	2.1
Still on first parole	65	69.2
Died while on first parole	6	6.4
Violated first parole (and)	21	22.3
Now on second parol	3	3.2
Presently in custody	17	18.1
Died in custody	1	1.0

The rate of success on parole for this group is quite high. Nearly 86% of persons convicted of murder punishable by death (commuted to life imprisonment) did not have to be reincarcerated after release on their initial parole. Of the 14.2% who were reincarcerated, approximately one half were or are presently successful parolees. Why were these 14.2% returned to penitentiary? Thirteen of these 21 cases had their parole revoked for not adhering to the conditions of their parole. This includes such violations as using alcohol when it had been prohibited in the parole agreement, association with persons deemed undesirable companions, leaving the designated parole area without permission, and conviction for a summary offence (three cases). The remaining eight parolees forfeited their parole because they were convicted of an indictable offence while on parole. Offences for which they were convicted were:

<u>Type of offence</u>	<u>Number of parolees</u>
Murder	1 (the prisoner was subsequently executed)
Assault causing bodily harm	1
Robbery	2
Obstructing police officer	1
Break, enter and theft	1
Shoplifting	1
Theft under \$50	1

Of a total of 12 persons who were paroled a second time, three subsequently were reincarcerated. These included one violation of parole conditions and two forfeitures (one for fraud and one for shoplifting).

From September 1961 to July 1975 a total of five persons serving death commuted to life imprisonment sentences were released on first parole and are still on parole.

The rate of parole success for the 94 non-capital murderers paroled between 1961 and July 1975 is also quite high. Seventy-seven point seven per cent of convicted murderers of this type did not have to be reincarcerated after release on their initial parole. The remaining 22.3% were placed back in custody, 11 by means of revocation for violation of parole conditions (e.g., drinking, leaving area without permission) and ten forfeited their paroles because they were convicted of an indictable offence. Offences for which they were convicted were:

<u>Type of offence</u>	<u>Number of parolees</u>
Kidnapping and armed robbery	1
Robbery	1
Break and enter	2
Possession of an offensive weapon and assault causing bodily harm	1
Assault causing bodily harm	2
Theft over \$50	1
Theft of motor vehicle	1
Drug trafficking	1

What is the average length of time served before release on parole by persons in these two groups? At the present time this information is not available in adequate detail. The information which is available provides figures on the length of sentence served from time of last appeal to release on first parole. This type of calculation understates the length of sentence served by an amount which ranges from six months to five years. Convicted murderers begin their sentences at time of conviction and the time span between this date and the date when the last appeal is dealt with by the courts can be quite lengthy. However, preliminary figures indicate that for the 143 paroled prisoners convicted of murder punishable by death (commuted to life imprisonment) the average length of time served from time of last appeal to date of parole was 13.3 years. This would, of course, be longer if the length was calculated from time of conviction and subsequent imprisonment rather than from time of last appeal. Furthermore, this average does not include four persons who served 51, 42, 40 and 37 years respectively before parole and one person for whom the information is incomplete.

The 94 persons convicted of murder punishable by life imprisonment that have been released on parole served an average of 7.03 years from the time of last appeal to parole release. Again, this figure should be adjusted in terms of the time between conviction/imprisonment and last appeal.

As of July, 1975, there were 135 convicted murderers on parole in Canada. Of this group, 93.3% are on parole for the first time, while another 6% had violated their first parole and were on their second parole release. Of these 135 parolees, 67 had been convicted of murder punishable by death (sentence commuted to life imprisonment) and 68 were convicted of murder punishable by life imprisonment.

PART II. PERSONS SUSPECTED OF INVOLVEMENT IN MORE THAN ONE MURDER
INCIDENT: MULTIPLE INCIDENT MURDERERS

Part II deals with persons who are suspected of involvement in more than one murder incident. This group is distinct from suspects who kill more than one person in one incident. For example, the suspect who killed his wife and children in one incident (i.e., multiple-victim murderers) is not the subject of analysis of Part II. Rather, those persons who are suspected of killing more than once on separate and distinct occasions are examined. There are two different groups of such persons.

- (a) Persons suspected of murder who, after being identified and apprehended by police and (in most cases) tried by a court, were involved as suspects in a new homicide incident.
- (b) Persons who appear to have killed more than once in separate homicide incidents before they were apprehended by police.

These groups are analysed separately; the first group considered is (a) described above.

This chapter has so far provided selected information on convicted murderers. In terms of this select group, another question arises. How many persons convicted of murder were again involved as suspects in a murder incident with this second homicide occurring after a conviction had been registered against the suspect for the first killing? The issue addressed here is more complex than this question might indicate. For example, what of the person who is first convicted of manslaughter and after having served his/her sentence is again suspected of involvement in a homicide incident and charged with murder? Are these persons to be defined as multiple incident murderers? What of those persons who are acquitted of a murder charge, but some time after the acquittal are again charged with a new, separate murder? Since only the courts are empowered to define a killing as murder, as manslaughter, as some other lesser offence or as an accident, court dispositions (i.e., verdicts on specific charges) must be the basis for distinguishing between the sub-categories that will be discussed here. There are four distinct sub-categories within group (a) which are analysed here.

All persons considered in this section of Chapter 7 were initially charged with murder. There have been 29 persons in Canada between 1961 and 1974 who were involved as suspects in more than one homicide incident, with each of these events separated by official intervention by police and the courts. Not all were convicted for both or either incident.

(i) Convicted Murderers who are Involved in a Homicide After their Initial Conviction

Between 1961 and 1974 there were six convicted murderers who were charged with murder for a killing that occurred after their first conviction for murder. All six were initially convicted of non-capital murder and sentenced to life imprisonment. In four of these cases, the person was charged with a second murder which was committed in prison. Two of these convicted murderers were implicated in the murder of a convicted sex offender during the riot in Kingston Penitentiary in 1971. Both prisoners were subsequently convicted of manslaughter for this homicide. The other two

killed fellow prisoners for which one was convicted of capital murder and had his death sentence commuted; the other was acquitted of non-capital murder by reason of insanity. The remaining two convicted murderers who murdered again did so while at large (i.e., after escaping from prison). One was involved in the murder of a fellow member of his criminal gang and the other murdered a stranger during the breaking and entry into a house. Both were convicted of non-capital murder on the second offence. Of this group, two persons were initially sentenced for robbery murders, one for a sexual assault murder, two for murdering strangers and one for murdering a casual acquaintance. Table 7.7 below illustrates the suspect-victim relationships.

TABLE 7.7. A Comparison of First and Second Incident by
Suspect-victim Relationship, for Convicted Murderers
Involved in a Subsequent Homicide Incident

Suspect-victim relationship of first murder incident	Total convicted murderers	Suspect-victim relationship of second homicide incident			
		Kingston peniten- tiary riot- homicide	Fellow prisoner	Close acquaint- ance	During commission of another Criminal Act
Casual acquaintance ...	1	1	-	-	-
Robbery murder	2	1	1	-	-
Sexual assault murder	1	-	-	-	1
No known relationship	2	-	1	1	-

(ii) Persons Convicted of Manslaughter who are Convicted of Another Homicide which
Occurred After their Conviction for Manslaughter

Between 1961 and 1974 there have been seven men who were convicted of manslaughter and after that conviction were involved in another homicide offence for which they were also convicted. Two of these men were convicted of non-capital murder for the second incident and sentenced to life imprisonment. Both had finished their sentences for the initial manslaughter conviction when the second homicide occurred.

One man was convicted of manslaughter for the second homicide offence and was sentenced to life imprisonment. He had also completed his first sentence at the time of the second homicide offence. Two of these seven men were on parole for the initial manslaughter conviction when they committed the second homicide offence. Both were again convicted of manslaughter, with one given a life sentence and committed to the hospital for the criminally insane at Penetanguishene.

Of the remaining two, the second conviction of one was for an "other lesser offence" for his part in the murder of a convicted sex offender in the riot in Kingston Penitentiary in 1971 and the second conviction of the other was for "assault causing bodily harm", the result of being charged with murder in the death of a casual acquaintance (committed while at large after escaping from prison).

Of these seven men, six were initially convicted of manslaughter for the killing of persons they knew socially (3) or with whom they had a common-law domestic relationship (3). The following table illustrates the suspect-victim relationship.

TABLE 7.8. A Comparison of First and Second Incident by
Suspect-victim Relationship, for Persons Convicted
of Manslaughter who are Involved in and
Convicted of a Subsequent Homicide Incident

Suspect-victim relationship of first manslaughter incident	Total persons convicted	Suspect-victim relationship of second homicide incident			
		Immediate family	Common- law family	Close or casual acquain- tance	No known relation- ship
Common-law family	3	—	1	1	1
Close or casual acquaint- tance	3	1	—	2	—
During commission of another Criminal Act ..	1	—	—	1	—

Thus, there has been a total of 13 men who were found responsible for a homicide offence which occurred after they had been convicted of a previous homicide offence. The following table illustrates the type of offence they were found responsible for in the first and second instance.

TABLE 7.9. A Comparison of First and Second Homicide Incident Dispositions for Persons Convicted of Homicide who are Charged and are Found Responsible for a Second Subsequent Homicide

Type of first conviction	Type of second conviction or disposition				
	Capital murder	Non-capital murder	Manslaughter	Other lesser offence	Acquitted insanity
Capital murder	—	—	—	—	—
Non-capital murder	1(1)	2	2	—	1
Manslaughter	—	2	3	2	—
Total	1	4	5	2	1

(1) This was a murder of a fellow prisoner.

What was the legal status of these men at the time of the second homicide offence?

TABLE 7.10. Legal Status of Offender at Time of Second Homicide Incident by Type of First Conviction

Type of first conviction	In prison	Escapee	On parole	Released after expiration of 1st sentence
Capital murder	—	—	—	—
Non-capital murder	4	2	—	—
Manslaughter	1	1	2	3
Total	5	3	2	3

Table 7.10 shows that two of the 13 were on parole and three had been released after the expiration of their sentence for the first conviction, five were still in prison and three were unlawfully at large. All of those who killed twice and whose first conviction was for murder killed the second time while in prison or as an escapee.

There are additional cases of persons who have been charged with murder, received a court disposition in their case and after this disposition was handed down were suspects in a new homicide incident. However, in these cases the suspect was convicted of a homicide offence in one instance and not in the other or was not convicted in either instance. As a group, they cannot be legally defined as repeater or double murderers. Information on these cases is provided in (iii) and (iv) below.

(iii) Persons Originally Charged with Murder and Convicted of "Manslaughter" or "Other Lesser Offence" who were Again Charged with Murder but not Convicted for the Second Homicide Offence

Between 1961 and 1974, seven persons were charged with murder and convicted of "manslaughter" (5) or an "other lesser offence" (2) who after this conviction were charged but not convicted of a homicide offence which took place after the first conviction. Five of these persons had completed their first sentence when the second murder offence occurred, one was on parole (trial is pending for second offence) and one was under mandatory supervision (acquitted on second offence) at the time of the second offence. In these seven cases, three men were acquitted of the second charge (one by reason of insanity) and two had the second charge against them withdrawn. In one case there was a "stay of proceedings" for the second charge. In the remaining case the trial is pending. Four of these persons were initially convicted of "manslaughter" or an "other lesser offence" for the killing of persons they knew in a domestic or social arrangement, and three were initially convicted for a homicide which occurred during the commission of another criminal act. Table 7.11 shows the distribution of murder types by first and second incident.

TABLE 7.11. A Comparison of First and Second Incidents by Suspect-victim Relationship in Each for Persons Convicted of Manslaughter or an Other Lesser Offence in the First Incident and Charged but not Convicted in a Second Incident

Suspect-victim relationship of first homicide offence	Total persons convicted	Suspect-victim relationship of second murder charge				
		Common-law family	Lovers' quarrel or love triangle	Casual acquaintance	No known relationship	During commission of another Criminal Act
Immediate family ...	1	1	—	—	—	—
Lovers' quarrel or love triangle	1	—	—	1	—	—
Close or casual acquaintance	2	—	1	1	—	—
During commission of another Criminal Act	3	1	—	—	1	1
Total	7	2	1	2	1	1

The only person who was a suspect in two homicides of the type "during commission of another criminal act" was accused of taking part in a mugging, murder in both incidents. The charges were withdrawn in the second incident.

(iv) Persons Charged but not Convicted of Murder who were Subsequently Charged in Another Murder Incident

Between 1961 and 1974 there were nine persons who were charged but not convicted of murder who were subsequently suspects in another murder incident for which they were also charged. Of this group, six were acquitted of murder for the first incident (one by reason of insanity), two had the charges for the first incident withdrawn and in one case there was a stay of proceedings on the first charge.

In the second incident for which they were charged with murder: two persons were convicted of non-capital murder; three persons were convicted of manslaughter; one person was convicted of an other lesser offence; one person was acquitted; one person received a stay of proceedings and one person committed suicide after the offence. In seven of the nine cases both incidents involved suspects and victims who had a domestic or social relationship prior to the murder incident. Two suspects were charged the first time for murders that occurred during the commission of another criminal act. The following table presents this information:

TABLE 7.12. A Comparison of First and Second Incidents by Suspect-victim Relationship in Each for Persons not Convicted of the First Incident who were Subsequently Charged in Another New Homicide Incident

Suspect-victim relationship of first homicide incident	Total persons	Suspect-victim relationship of second homicide				
		Immediate family	Common-law family	Lovers' quarrel or love triangle	Close or casual acquaintance	No known relationship
Immediate family	2	1	—	—	1	—
Lovers' quarrel or love triangle	1	—	—	1	—	—
Close or casual acquaintance	4	—	2	—	2	—
During commission of another Criminal Act	2	—	—	—	1	1
Total	9	1	2	1	4	1

Thus, there were 16 persons (15 males and one female) who were suspects charged with murder in two murder incidents which were separated by the intervention of the police and courts who were not convicted of some offence in both incidents. Table 7.13 shows the type of court disposition for the first and second incident.

TABLE 7.13. A Comparison of Dispositions in First and Second Incidents
of Persons Charged but not Convicted of
Some Offence in One or Both Incidents

Type of first disposition	Type of second disposition			
	Charges withdrawn	Stay of proceedings	Convicted non-capital murder	Convicted man- slaughter
Charges withdrawn	-	-	1	1
Stay of proceedings	-	-	1	-
Convicted manslaughter	2	1	-	-
Convicted other lesser offence	-	-	-	-
Acquitted	-	1	-	2
Total	2	2	2	3
	Convicted other lesser offence	Acquitted	Committed suicide	Trial pending
Charges withdrawn	-	-	-	-
Stay of proceedings	-	-	-	-
Convicted manslaughter	-	1	-	1
Convicted other lesser offence	-	2	-	-
Acquitted	1	1	1	-
Total	1	4	1	1

In 13 of these cases, a conviction for one of the incidents resulted. In only two cases was this a conviction for murder.

In three of these 16 cases a conviction was not recorded. This includes the case of a woman who was acquitted by reason of insanity in the first instance and committed suicide after the second incident.

Was there a particular type of method by which these murders were committed? Did these persons as a group tend to use the same method in both murder incidents? The following table presents information on the method used to commit homicide by this group.

TABLE 7.14. Method of Commission Used in the First and Second Homicide Incidents

	Total incidents	Method of commission				
		Shooting		Beating		
		Number	Per cent	Number	Per cent	
First incident	29	13	44.8(1)	7	24.1(1)	
Second incident	29	10	34.5(1)	15	51.7(1)	
Total	58	23	39.7(2)	22	37.9(2)	
	Stabbing		Strangling		Other	
	Number	Per cent	Number	Per cent	Number	Per cent
First incident	5	17.2(1)	2	6.9(1)	2	6.9(1)
Second incident	3	10.3(1)	—	—	1	3.5(1)
Total	8	13.8(2)	2	3.5(2)	3	5.2(2)

(1) Percentages are of totals for each incident.

(2) Percentages are of totals for both incidents.

In the first murder incident the method used is distributed in a pattern similar to that for all murder incidents in Canada between 1961 and 1974 (see Table 4.4 for details). For example, shooting was the method used in the first incident by 44.8% of the suspects involved in two homicide incidents, while shooting is the method used in 43.7% of all murder incidents between 1961 and 1974. However, the second murder incident was committed by beating in 51.7% of the cases, a very high proportion compared to the 22.3% of all murder incidents in which this is the method of commission. If the method used in both incidents is compared, only a moderate level of consistency is evident; in 41% of these cases the same method was used in both killings and the particular methods used in these cases were distributed thus: shooting, six cases, beating, five cases, stabbing, one case. A combination of shooting in the first incident and beating in the second incident (six cases) is as prevalent as shooting in both incidents.

Summary of Information on Persons Suspected of a Second Homicide
After Being Implicated in a Previous Incident

In all, there have been 29 persons in Canada between 1961 and 1974 who after being charged with murder and receiving a court decision in their case were again involved as a suspect in a homicide incident. In 12 of these cases the person is legally definable as a repeater of the offence homicide. Of this group, five were convicted murderers who killed again, three while in prison and two while at large following an escape. There were seven men initially convicted of manslaughter who were convicted for another homicide after this first conviction. Four of them received life sentences for the second homicide offence. Of this group, two were on parole, one was an escapee and one killed again while in prison. Another seven persons who were initially convicted of manslaughter or another lesser offence were charged with murder in a new homicide incident. Six of these men were not convicted of any offence for the second incident and one is awaiting trial. Another nine persons were charged with murder but not convicted in the first homicide incident and subsequently were involved as suspects in another homicide. Six of these were convicted of some offence in conjunction with the second incident.

An analysis of the suspect-victim relationship type in these 29 cases indicates that most incidents involved suspects and victims who had an established social relationship of some kind. In 59% of all the cases, both incidents involved suspects and victims who knew each other in some way and in 10.3% of these cases both incidents were homicides which occurred during the commission of another criminal act. In 31.0% of these cases, though, at least one of the homicides occurred during the commission of another criminal act, with the other homicide typically involving a domestic or social suspect-victim relationship. In contrast to this, in 79.0% of the cases at least one of the homicides involved a domestic or social suspect-victim relationship.

The pattern exhibited here (if any) is that exhibited by persons charged with homicide in general. No trend, or particular pattern of pathology appears evident for this group. Rather, the random, primarily social related nature of all homicide incidents appears to be the rule. This will become more evident if this group is compared to the group of repeater murderers analysed in the following section.

Other Multiple-incident Murderers and Homicide Suspects

There is one other type of repeater-murderer. This consists of persons who murder more than once in separate incidents before being apprehended and charged. With these persons, the police and courts did not intervene until after two or more murders are committed by the suspect. Between 1961 and 1974 there were 31 suspects who killed more than once on separate occasions before being apprehended. These persons comprise a very different group from those analysed in the preceding four sections (i to iv) of this chapter.

Between 1961 and 1974 there were 31 suspects who were involved in more than one murder incident for which they were charged with murder. These suspects were charged with murder for as few as two and as many as seven incidents.

TABLE 7.15. Number of Homicide Incidents and Number of Suspects
Involved in More Than One Homicide Incident
Before Being Apprehended,
Canada, 1961-74

Number of homicide incidents suspect was implicated in prior to apprehension	Number of suspects implicated in two or more separate homicide incidents before being apprehended
Two	25
Three	3
Four	1
Five or more	2
Total 75 homicide incidents	31

In these 31 cases only one suspect (a woman who was committed to a mental hospital) had charges withdrawn or dismissed and in six cases the suspect was acquitted by reason of insanity; 17 of the suspects received life sentences on all or at least one of the murder charges. Not all charges against a suspect were always dealt with by the courts. For example, in four cases in which the suspect was convicted of murder, the crown did not proceed with the other murder charges; similarly, in two cases in which the suspect was acquitted by reason of insanity and committed to a mental hospital, the crown did not proceed on the remaining murder charges. In only two cases was a suspect convicted on one charge and acquitted on another. The following table provides data on the most important disposition received in court by a suspect. For example, when a suspect is convicted of non-capital murder on one charge and the other charges are not dealt with by the courts, that suspect is counted under "Convicted of non-capital murder-life imprisonment".

TABLE 7.16. Dispositions of Cases of Suspects who were Involved in More Than One Homicide Incident Prior to Apprehension by the Police, by Number of Homicide Incidents Suspect was Implicated in Prior to Apprehension, Canada, 1961-74

Number of homicide incidents suspect was implicated in prior to apprehension	Total suspects	Dispositions					Pending trial	Suspect died	Suspect committed suicide
		Charges with drawn or dismissed	Acquitted by reason of insanity	Convicted					
				Capital murder death commuted to life imprisonment	Non-capital murder - life imprisonment	Infanticide			
Two	25	1(1)	5	3	10(2)	—	3	1	2
Three	3	—	1	1	—	1(3)	—	—	—
Four	1	—	—	—	1	—	—	—	—
Five or more	2	—	—	2	—	—	—	—	—
Total	31	1(1)	6	6	11	1(3)	3	1	2

(1) Suspect was committed to a mental hospital.

(2) One suspect was convicted of non-capital murder on one charge and judged unfit to stand trial on the second murder charge. He was committed to a mental hospital.

(3) Suspect was convicted of infanticide but sentenced to a mental hospital.

The number of suspects who were adjudged insane (9) is quite high for this group; 29% of these suspects were defined by the courts at one time or another as insane, which is more than three times the average for all murder suspects between 1961 and 1974. Similarly, 52% of these suspects received life sentences as compared with approximately 21% of all murder suspects.

What type of murders were this group involved in, and was there a particular type of pattern exhibited by the group?

In 74% of these cases the suspect-victim relationship type was the same for each incident. For example, in the cases of two multiple-incident suspects the victims in each incident were members of the same immediate family as the suspect; in eight cases the victims in each incident had a prior established social relationship with the suspect; in another eight cases the suspect murdered his victim in each incident during commission of another criminal act. There is, then, a very definite pattern within this set of multiple-incident murders. In every case in which a suspect was involved in more than two murder incidents the suspect-victim relationship was the same in every incident. The following table illustrates these patterns.

TABLE 7.17. Total Suspects with the Same Suspect-victim Relationship for Each Homicide Incident

Number of homicide incidents suspect was implicated in prior to apprehension	Total suspects	Suspect-victim relationship of each incident				
		Domestic	Social relationship	Business relationship	No known relationship	During commission of another Criminal Act
Two	17	1	6	2	3	5
Three	3	1	—	—	—	2
Four	1	—	—	—	—	1
Five or more	2	—	2	—	—	—
Total	23	2	8	2	3	8

Two major types of murder incidents are evident in this table, those having a domestic, social or business relationship between suspect and victim and those occurring during commission of another criminal act. A closer examination of these two particular groups reveals a clear pattern; four of the eight social relationship cases involved gangland murders and of the remaining four cases, two of the suspects were adjudged insane and two were related to sexual relationships in which the suspect murdered his casual lover. These latter two cases did not involve sexual assaults. Of the eight cases in which all murder incidents were of the "during commission of another criminal act" type, six were sexual assault murders and two were cases in which the suspect murdered victims during a robbery or mugging. Of this type, in only

the sexual assault murder cases were there more than two murder incidents. An examination of all these 23 cases, in terms of the three most prominent descriptive circumstances, reveals the following:

<u>Total cases</u>	<u>Gangland</u>	<u>Sexual assault or sex related</u>	<u>Suspect adjudged insane</u>
23	6	8(1)	5

(1) Includes one suspect adjudged insane.

The following cases are typical of this group.

Sex-related cases:

Case 1: In a city in Quebec on October 3, 1969, a 21 year-old male strangled, and then sexually assaulted and mutilated the body of a 21 year-old female he had dated that evening. The victim's body was found behind an apartment building. This case remained unsolved until February 1972.

In the same city on November 26, 1969, a 22 year-old male strangled, and then sexually assaulted and mutilated the body of a 20 year-old female he had dated that evening. The victim's body was found in her home. This case remained unsolved until February 1972.

In that same city on January 17, 1970, a 22 year-old male strangled, and then sexually assaulted and mutilated the body of a 24 year-old female he had dated that evening. The victim's body was discovered in her home. This case remained unsolved until February 1972.

In a city in Alberta on May 18, 1971, a 23 year-old male strangled, and then sexually assaulted and mutilated the body of a 33 year-old female he had dated that evening. The victim's body was discovered in her home. This case was solved the next day and eventually led to the suspect being charged with the 3 above mentioned sexual assault murders.

In that same Alberta city on February 16, 1972, the suspect was convicted of non-capital murder and sentenced to life imprisonment. In a city in Quebec, April 12, 1972, the suspect was convicted of three counts of non-capital murder and sentenced to life imprisonment.

Case 2: In an Ontario suburb on September 11, 1973, a 24 year-old male abducted a 19 year-old female on a University campus grounds. The victim's body was found in a nearby wooded area; the victim had been sexually assaulted and strangled. This case remained unsolved until August 1974.

In the same Ontario suburb on October 5, 1973, a 24 year-old male abducted an 18 year-old female in an isolated area. The victim was sexually assaulted, strangled and stabbed. The body was discovered in a wooded area in April 1974. This case remained unsolved until August 1974.

In November, 1975, the suspect was convicted of non-capital murder and sentenced to life imprisonment.

"Suspect adjudged insane" cases:

Case 3: In a suburb in the province of Quebec on July 13, 1969, a 19 year-old male mental hospital patient stabbed and dismembered a fellow female patient on the hospital grounds. The victim's body was discovered five days later. This case remained unsolved until July 18, 1973.

In a city in Quebec on June 24, 1973, a 51 year-old female psychiatric patient left the hospital and met a friend who was a former patient. They proceeded to his apartment. The victim was found stabbed to death and her body dismembered. The suspect was arrested on July 18, 1973, in Manitoba.

In the same city in Quebec on December 7, 1973, the suspect was acquitted of both counts of non-capital murder by reason of insanity. He was detained at the discretion of the Lieutenant-Governor in an institute for the criminally insane.

Case 4: In a large Ontario city on June 6, 1963, a 18 year-old mother rushed her 18 day-old baby to hospital. The child was dead, from asphyxiation, on arrival. This incident was not defined as infanticide at the time.

In a suburb of that large city on August 21, 1964, police responded to an emergency at a private home. A 19 year-old female's six week-old baby was rushed to hospital. The child was dead, from asphyxiation on arrival. This incident was not defined as infanticide at the time.

In the same suburb on May 3, 1967, police responded to an emergency at a private home. A 16 day-old child was rushed to hospital but died before arrival from asphyxiation. The incident was not defined as infanticide at the time.

On May 15, 1968, a 23 year-old woman confessed to smothering her children in the above three incidents. A trial for non-capital murder took place October 21, 1968, at which time the woman was convicted of three counts of infanticide and committed to a psychiatric institution.

Thus, 19 of these 23 cases involved one of these three kinds of circumstances. Interestingly, only one of the sexual assault or sex related murders and none of the gangland resulted in the suspect being adjudged insane. It should be noted that the gangland figures are deceptive, since four of the suspects (and thus in four of the six cases) were involved in the same series of murder incidents. These involved a bankruptcy-arson fraud ring which operated in Quebec in the late 1950's and early 1960's. An analysis of the time spans between the first and last murder incident in which the suspect was involved indicates no particular pattern. For all types, the time span between the first and last murder incident varied from hours to nine years.

In the remaining eight cases (or 26% of these murders), the suspect-victim relationship was different for each murder incident the suspect was involved in. There were no cases of this type in which there were more than two murder incidents prior to apprehension.

The pattern exhibited for this group differs substantially. In half of the cases, in the first murder incident the suspect-victim relationship was social, while the second murder incident was of the type "during commission of another criminal act". Seven of these cases appear to involve persons who after committing the first murder killed again in a fit of desperation. In only one case was the time span between the first and second murder incident longer than six days, a very different pattern than exhibited by our previously discussed group. One suspect committed suicide after the second murder incident in which he was involved. A further distinguishing aspect is that in none of the cases were the murders sexual assault murders and in only one case was the suspect adjudged insane.

Did the total group of 31 suspects involved in more than one murder incident before apprehension use a particular type of method to commit murder? Did these suspects as a group tend to use the same type of method in each murder incident? Was there a distinctive pattern in the method of commission as there was in other circumstances? The following table provides information on the method used by this total group of murderers who killed in more than one incident prior to apprehension.

Overall, the method used to commit these murders differed significantly from that used for all murders between 1961 and 1974. Whereas shooting is only slightly more prevalent for this group, and beating as the method is slightly less prevalent, strangulation or suffocation is more than three times as prevalent. It was pointed out in the analysis of Table 4.4 that strangulation was the principle method used in sexual assault murders. The high percentage of these murder incidents in which strangulation/suffocation was the method can be accounted for by the disproportionate number of sexual assault incidents in this group. A definite pattern appears with a comparison of the method of commission in the first and second murder incident each suspect was involved in. In 87% or 27 of the 31 cases, the method used in the second incident was the same as that used in the first murder incident. For those cases in which more than two murder incidents took place, this pattern is maintained, though to a somewhat lesser degree. If this group of murderers who murdered in more than one incident before being apprehended is compared with that group of murder suspects who were involved in a murder incident and were apprehended and after a court ruling were involved in a new murder incident (discussed earlier in this chapter), the contrast is obvious. The latter group exhibited little or no pattern in the method used in different incidents. In only 41% of the second group was the method the same in each incident, whereas the method used by the first group (i.e., those who were involved in more than one murder incident before apprehension) is the same in the first and second incident in 87% of the cases.

TABLE 7.18. The Method of Commission Used by Suspects Involved in More than One Homicide Incident Before Apprehension by the Police, by the Number of Homicide Incidents

	Total incidents	Method of commission			
		Shooting		Beating	
		Number	Per cent	Number	Per cent
First homicide incident	31	15	48.4(1)	6	19.4(1)
Second homicide incident	31	15	48.4(1)	5	16.1(1)
Third homicide incident	6	—	—	1	16.7(1)
Fourth or more homicide incident(s)	7	4	57.1(1)	2	28.6(1)
Total	75	34	45.3(2)	14	18.7(2)
		Stabbing		Strangling/suffocating	
		Number	Per cent	Number	Per cent
First homicide incident	1	3.2(1)		9	29.0(1)
Second homicide incident	2	6.5(1)		9	29.0(1)
Third homicide incident	—	—		5	83.3(1)
Fourth or more homicide incident(s)	—	—		1	14.3(1)
Total	3	4.0(2)		24	32.0(2)

(1) Percentages are of totals for each incident.

(2) Percentages are of totals for all incidents.

Summary of Information on Convicted Murderers and Persons
Implicated in More than One Murder

Part I of this chapter dealt with information on convicted murderers. It indicated that persons convicted of murder tend to be young, a trend which is becoming increasingly true. During the period 1968 to 1974, 72% of all persons convicted of murder who were admitted to penitentiaries were 30 years of age or younger. An important section of Part I dealt with the subject of parole for persons convicted of murder. A high ratio of success on parole is exhibited by persons convicted of murder. From 1920 to July 1975 a total of 232 persons convicted of murder were released on first parole of which only 42 or 18% were reimprisoned. Of these 42 persons, 57% were reimprisoned for violations of parole agreement conditions such as drinking, or leaving their designated area of residence without permission. Only ten of these 232 paroled murderers committed further crimes against the person, of which only one was another murder. This case occurred in 1944 and the offender was executed in the same year.

Part II dealt with persons suspected of being repeater or double murderers, of which there were two distinct groups. The first group were those persons who were involved as suspects in one homicide incident for which they were charged with murder and after receiving a court disposition were involved as suspects in another new homicide incident. Of a total of 707 persons convicted of murder between 1961 and 1973(1) only five were again involved as suspects in and convicted of, some offence for a new homicide incident. A sixth person who had been convicted of murder and was again involved as a suspect in a new homicide incident was acquitted by reason of insanity for a second incident. All were in prison or were escapees when the second incident occurred. Of a total of 1,249 persons convicted of manslaughter between 1961 and 1973(1) only seven were again involved in a homicide incident for which they were convicted of some offence. Thus, over the 13 year period there were only 12 persons once convicted of a homicide offence who after that conviction were again involved in a homicide incident for which they were convicted of some offence. While the small number of cases makes it difficult to ascertain patterns or trends, an analysis of the type of homicide incidents in which they were involved indicates that they were primarily of the domestic or social relationship type.

The second group of suspected repeater murderers examined were those who killed in more than one incident before being apprehended. Again the number is small; a total of 31 persons between 1961 to 1974. This group exhibited an obvious pathological pattern. In 74% of these cases (and all in which there were more than two homicide incidents) the homicide type was the same in each incident. Eight of the 31 cases were exclusively sex-related and in a further eight cases the suspect was adjudged insane (in one of the sex-related cases the suspect was also adjudged insane). A further eight cases were of the gangland variety, four of which involved suspects from one particular gang. The pattern of pathology of this group was also exhibited in the method of commission of homicide used in these incidents; in the majority of cases the suspect used the same method in each case.

(1) Nineteen seventy-three rather than 1974 is used as the cut-off year since court data for 1974 is not complete.

CHAPTER 8. SUMMARY

1. Increases in the rate of murder and other kinds of homicide in recent years have been moderate in comparison with increase in some other types of violent crime. The murder rate in 1974, for example, was 2.4 per 100,000 population, an increase of 9% over 1973, whereas the rate of wounding increased 10.7% and the rate of reported rape increased 13%. While there has clearly been a real increase in the incidence of homicide, increases in the murder rate appear to be due in part to changes in the manner in which police lay charges in cases involving killing. (These changes in the charging practices of police may be associated with changes in the law pertaining to murder.) The use of the charge of manslaughter by police has decreased considerably and murder charges are increasingly more likely to be laid initially but subsequently reduced before or during trial. A large and rising proportion of killings initially considered by police to be murders are thus ultimately found by the courts to be manslaughters or some other type of lesser criminal offence; the percentage of murder charges resulting in convictions for murder has actually been declining, whereas the percentage of murder charges resulting in manslaughter convictions is increasing. (Overall, the rate of conviction for murder and manslaughter together is rising.) The rate of reported murders is therefore an incomplete and imperfect indicator of the true extent of murder; it is nonetheless a reasonably reliable indicator of the rate of homicide in Canada.
2. Throughout the 1961-74 period, there has been great consistency in the proportion of all homicide incidents represented by each of the suspect-victim relationship types, with two exceptions. Unsolved murder incidents have increased disproportionately and the proportion of immediate family murder incidents has declined significantly. On average, domestic homicide incidents of all kinds make up 39.3% of all incidents, social or business relationship homicide incidents constitute 30.1%, homicide incidents occurring during the commission of another criminal act account for 10.7%, and homicides involving no known relationship between suspect and victim account for 7.1%. Unsolved homicide incidents represent 12.7% of the total. Other circumstantial factors such as the method of commission exhibit a similar consistency.
3. There appears to be a trend away from homicide being concentrated in Canada's largest urban centers (where formerly the great majority of homicides occurred) toward a greater dispersion of homicide across the country in urban and rural areas. This is particularly true for murder occurring during commission of another criminal act. Montreal remains an exception to this trend.
4. Fewer than one of every ten victims in solved homicide incidents since 1961 have been uninvolved and probably innocent strangers and this percentage is declining.

	Number of incidents involving no known suspect-victim relationship	Percentage of total incidents
1961-67	143	10.06
1968-74	264	9.70
1961-74	407	9.83

The proportion of solved homicide incidents in which the suspect and victim had a previously established social relationship of some kind has remained consistently high; more than 90% of all homicide victims in solved incidents were related to or acquainted with their killer.

Since in 1974 the chances of a person in Canada being killed by an act of criminal homicide were approximately 24 in a million, the chances of being killed by a stranger were about two in a million.

5. Shooting is by far the most prevalent method of killing in homicide incidents, in 43.7% of all incidents since 1961. It occurred most frequently in murder incidents where the suspect and victim were linked in a domestic or social relationship. Beating was the method of commission in 22.3% of all homicide cases, and stabbing was the method in 18.3% of all cases.
6. Alcohol use is especially prevalent as a factor in homicides involving a domestic or social relationship. The use of other drugs as a factor in homicide incidents remains relatively rare.
7. Domestic or family killings are an especially distinct type of homicide. The majority of multiple-victim and murder-suicide homicide incidents take place in the context of a domestic relationship, for example.
8. Part of the rise in homicides is due to individuals establishing or entering a set entering a set of social and physical circumstances which unwittingly lead to a violent end. There are two major examples of this. First, there are those persons who consume alcohol and/or other drugs which reduce their ability to control aggressive behavior, and in this same situation their alcohol/drug-modified behavior appears to produce a heightened level of conflict with other persons nearby; this conflict prompts, in the absence of normal self-control of behavior, a high incidence of violent aggression. This aggression is frequently facilitated by the availability of a lethal weapon such as a gun, or to a lesser extent a knife. The second example consists of cases in which an individual sets out to commit a property/monetary crime (breaking and entry, robbery) and thereby involves himself in a sequence of events which he is unable to anticipate or control (such as being caught in the act or attacked by the victim); his response to these events is one of panicky, uncontrolled aggression, he (typically) attempts to shoot or fight his way out of the situation. The rise in the rate of homicides committed in the course of a property/monetary crime could be the product, to a substantial degree, of the rising rate of property/monetary crimes in general.

There is other evidence which suggests that the rise in homicides committed during commission of another criminal act is the result of an "overflow" from a partial consequence of the increase in other types of criminal offences. Property/monetary crime-related homicides manifest the following features: (i) The majority of suspects in such cases are young and the trend indicates that they are getting younger; 78% of suspects in these cases are under 30 years of age and 29% are under 20; (ii) in approximately 50% of robbery homicides the suspect panics or is attacked or resisted by the victim; (iii) the type of victim or establishment robbed is not of the same kind as that robbed by the professional criminal; (typically it is cab drivers and small stores); (iv) in 90.4% of homicides which occurred during the breaking and entry of homes or businesses, the suspect was surprised or discovered by the victim and used whatever was available as a weapon.

In only a small proportion of these incidents was the weapon brought into the premises by the suspect and in only one incident was the victim killed while sleeping and therefore uninvolved.

The rise in sexual assault killings of adults also appears to be a product or overflow of the large increase in rape and other sexual assault cases in Canada, particularly in the most recent seven-year period (1968-74). Two further points are noteworthy: first, in 62.7% of the sexual assault homicides of adults, the suspect and victim knew each other prior to the incident and were involved socially at the time of the incident; second, the consumption of alcohol has been a factor in a rather large proportion of such cases in recent years, 45.5% of the cases in the 1968-74 period. Homicide incidents of this type exhibit considerable similarity (in circumstances) to the social relationship types, "close acquaintances" and "casual acquaintances".

9. A small but growing factor in homicide incidents is the trend toward more Canadians acting aggressively or violently to protect themselves when attacked or intruded upon.
10. Homicides defined by the police as "gangland" represent a small proportion of all homicide incidents; 185 of 4,140 murder incidents or 4.5%. However, this type of murder incident is increasing rapidly, primarily in Quebec and to a lesser degree in British Columbia. The percentage of murder incidents defined as "gangland" which are unsolved is exceptionally high, averaging approximately 80%. The recent increase in this type of murder incident is a significant contributing factor to the doubling of the average percentage of murder incidents unsolved in Canada in 1968-74 compared to 1961-67. In the latter period 29.9% of unsolved incidents were labeled "gangland" compared to 19.3% of unsolved murder incidents in the 1961-67 period.
11. The incidence of murder of policemen and prison guards in Canada has not kept pace with the general increase in murder or homicide incidents, but has instead remained quite stable over the 14-year period from 1961 to 1974. Stated differently, the ratio of policemen and prison employee victims to all homicide victims has decreased slightly over this 14-year period.
12. Suspects in homicides are males by a wide margin. In all solved incidents other than immediate family and common-law family homicides, males are suspects in over 90% of the incidents. In these two family types, males are suspects in more than 75% of the incidents.
13. Suspects are mostly young (under 30 years of age) and the trend is toward a growing proportion of all suspects being even younger. The age groups which have shown disproportionate increases are 20-29 years and 16-19 years. Suspects in these age groups are more likely than other suspects to be convicted of murder.
14. Sixty per cent of all persons (adults and juveniles) charged with murder between 1961 and 1974 were eventually convicted of some offence as of December 31, 1974.
15. More than three quarters of all suspects solved homicide incidents initially defined by the police (i.e., in terms of the initial charge laid) as murder were not found by the courts to have been guilty of murder. Of all persons charged with murder in the years 1961-74, only 20% were convicted of murder, whereas 55% were convicted of manslaughter and 3% of another lesser offence. (Two per cent

of suspects were juveniles adjudged to be delinquent in juvenile court.) This ratio of murder to manslaughter remains relatively constant when only convicted persons (rather than all persons charged) are considered. Of all persons charged with murder and convicted of some offence committed between 1961 and 1974, 34% were convicted of murder, 58% were convicted of manslaughter, 6% of another lesser offence and 2% were adjudged to be delinquent.

16. Court dispositions, verdicts and sentences, vary widely for different types and circumstances of homicide incidents. Forty-four per cent of suspects charged with a murder (between 1961 and 1974) which occurred during commission of another criminal act were convicted of murder and sentenced to death or life imprisonment. Cases of this type account for a disproportionately high percentage of all convictions for murder; as shown in the following table, the proportion of persons suspected of "during commission" murders who are convicted is more than twice that of any other relationship category. In cases where there was a prior social or business relationship between suspect(s) and victim(s), 17% of the suspects were convicted of murder, but this figure drops to 11% for suspects in domestic homicides.

A comparison of court dispositions for sexual assault murders of adults with dispositions for victim-precipitated murders involving no known suspect-victim relationship illustrates the variability of court dispositions for two types of homicide. Seventy-four per cent of suspects charged with sexual assault murders were convicted of some offence and imprisoned, compared to 51% of suspects in victim-precipitated (no known relationship) cases. A closer examination reveals that such dispositions as "adjudged insane" are given to a greater proportion of suspects not sent to prison for sexual assault murders, and that persons convicted of sexual assault murders receive much harsher sentences than those persons convicted of some offence as a result of a "no known relationship", victim-precipitated killing.

1961-74

Type	Percentage of total suspects charged with murder	Percentage of all convictions for some offence	Percentage of convictions for murder	Percentage of convictions for man- slaughter
Domestic	34.9	32.6	19.8	39.6
Social and business	36.4	37.7	31.4	41.8
During commission of another Criminal Act	17.8	20.1	39.0	10.1

17. It appears that in general the more distant the suspect-victim relationship is, the more severe will be the sentence.

18. When charged with murder, males receive different court dispositions and sentences than females. For example, females have a disproportionately higher likelihood of being adjudged insane, of being acquitted, or if convicted, of being convicted of manslaughter or a lesser offence. Males have a higher probability of being convicted of murder, and of receiving a more severe sentence.
19. Compared to adult suspects a higher proportion of juvenile suspects (tried in adult court) receive life sentences.
20. A very high rate of success on parole has been exhibited by persons convicted of murder punishable by death and murder punishable by life imprisonment. Since 1920 only one person convicted of murder and subsequently paroled was involved in a new murder for which he was convicted. Since 1920, only ten persons convicted of murder who were paroled were involved in other crimes "against the person" while on parole. Of the large number of persons convicted of manslaughter and paroled between 1961 and 1974, only three were implicated (two convicted of manslaughter, one pending trial) in another homicide while on parole.
21. Between 1961 and 1974, five persons once convicted of murder were again involved in and convicted of some offence for a new subsequent homicide. Three of the second homicides occurred in prison (with fellow prisoners as the victims) and two occurred while the murderer was at large after escaping custody (one of these victims was a criminal partner of the murderer).

During this same period seven persons once convicted of manslaughter were again involved in and convicted of some offence for a new subsequent homicide. One of the second homicides occurred in prison (a fellow prisoner was the victim), one occurred while the accused was at large after escaping custody (the victim was an acquaintance), three occurred after the expiration of the initial sentence of the accused and two occurred while the accused was on parole for the initial manslaughter conviction.

Of the total of four persons implicated in a second homicide which occurred while they were in prison, three were implicated in the killing of a convicted sex offender during the riot in Kingston penitentiary in 1971.

22. The other group of suspects involved in more than one murder incident, those persons who kill on more than one occasion before being apprehended, exhibited clearly pathological behavior. While their total number is small (31 out of 4,235 suspects between 1961 and 1974), the evidence of consistent pathological character is strong. Out of the 31 cases, eight suspects were involved exclusively in sex-related homicides, another eight suspects were adjudged insane, while in a further eight cases the suspects were involved solely in gangland murders of persons involved in some way in criminal activities.

APPENDIX

A REVIEW OF THE HISTORICAL FOUNDATIONS AND DEVELOPMENT OF THE LAW OF HOMICIDE IN CANADA

I. Historical Foundations of the Canadian Law of Homicide

Canada's criminal law has its roots in the common law of England. This general statement applies to the law of homicide, however, with some qualification. Canada's first Criminal Code, the Code of 1892, was based on Stephen's Draft of an English Code, a draft which was not accepted in England.(1) Because Canada opted for Stephen's Draft Code which contained some suggested changes to the English law of homicide Canada's law relating to homicide has, at least since 1892, remained slightly different from the English law of homicide.(2) The difference, however, has been more of degree than kind. The fundamental scheme of the British common law approach was carried over into Canada's: the primary divisions of unjustifiable homicide are manslaughter and murder and murder is distinguished by the intent, whether actual or presumed, of the defendant. Canada also borrowed the English principle that murder, being the most serious form of homicide, is punishable by death.(3) These fundamental principles of the English law of homicide had, of course, developed over a long period of time in England.

It is difficult to date the emergence of English common law in this area any earlier than the first half of the twelfth century.(4) This point in history marked the first clear indication of the end of a transition period in which, as a result of the Norman invasion of 1066, the Saxon law of homicide was being transformed by the influence of Norman lawyers and judges.(5)

The Saxon period, which spanned the six centuries of English history preceding the Norman invasion, was dominated in the law of homicide by the presence of four concepts often found in ancient or traditional societies.(6) They were self-help, compensation for murder, banishment and strict responsibility.(7) The Saxons were

(1) A. Mewett, "The Criminal Law, 1867-1967", Can. Bar Review, v. 45, 1967, p. 726.

(2) Report of the Joint Committee of the Senate and House of Commons on Capital Punishment (Queen's Printer, Ottawa, 1956).

(3) ibid.

(4) W.S. Holdsworth, A History of English Law (Tissle, Brown and Co., Boston, 1924) (v. III).

(5) ibid.

(6) See, for example, D.M. MacDowell, Athenian Homicide Law (University Press, Manchester, 1963).

(7) W.S. Holdsworth, supra, n. 4, (v. II), pp. 45-46.

apparently endangered as a group by the potential of a blood feud in which a single homicide sparked a never-ending cycle of killing between opposing clans, with each killing being justified by the one immediately preceding it.(8) Rudimentary Saxon codes indicate that efforts to prevent this tragedy account for the Saxon law of homicide.(9) A skeletal court structure legitimated the blood feud and allowed the offended family to seek its revenge against the convicted killer. Revenge could be taken immediately if the killer was captured in the act of killing. Otherwise it had to wait until a court had found, in modern terms, the defendant guilty. But revenge was discouraged by the use of a penalty of compensation whereby the court ordered the offending party to pay the victim's family a certain sum. The family could refuse the compensation and exercise the option of private revenge or it could accept the compensation. In either case, this settled the matter. If the killer refused or could not pay the compensation, he was banished from the group and could be hunted down and slain.(10)

The Saxons did not give to English common law a concept of different degrees of homicide, but they did bring in the idea that certain types of killing were not punishable. These included killings in self-defense or in defence of one's Lord, killing when the victim was carrying off stolen property, and killing in the act of protecting the inviolability of one's immediate female kin.(11)

The Saxons did not contribute to English common law any doctrine whereby the mental attitude of the defendant might serve as an excuse for the killing. Their law was one of strict responsibility: a person who caused the death of another person, whether by design, accident, or whatever, was accountable for that death.(12)

These Saxon concepts eventually disappeared in English law through the process of continuous change that is so characteristic of all legal development. The self-help concept had been so abandoned by 1266, for example, that a court could hold that a family's satisfaction for the death of one of its members evidenced by an agreement between the killer and the victim's family, even if cemented by marriage, could not save the killer from indictment, trial and the sentence of death.(13)

It was changes built upon these basic concepts taken from Saxon law that eventually produced the rudimentary principles of the law of homicide upon which modern law is based. Three principal reasons, each of immense practical value, largely account for the changes.

The first was the concept of the King's Peace, which arose alongside an increasingly powerful monarch governing and increasingly unified nation.(14)

As the King's Peace took precedence over and gradually absorbed the Lord's Peace and Freeman's Peace, any serious violation, including killings, became a breach of the King's Peace and made him a party to every such case.

(8) ibid.

(9) ibid.

(10) ibid.

(11) ibid., p. 44.

(12) ibid., p.p. 50-53.

(13) ibid., p. 54.

(14) ibid., p. 50.

The second factor was the presence of Norman soldiers and visitors in England.(15) If they were killed, and they sometimes were, they had no kindred in England who could revenge their death. This, too, prompted the monarchy to intervene.(16) The third influence, and one which substantially affected the definitional lines in the law of homicide, was the influence of the Church.(17) Unlike Saxon law, which based responsibility on the act of causation alone, the Church moved Norman lawyers and judges to inquire into the mental attitude of the defendant at the time of the killing. Eventually, this approach to homicide led the common law to distinguish murder from manslaughter by the presence of malice aforethought.(18)

There has long been considerable speculation over the influence of Roman law on English law through the Normans, and later through Canon law. There is no substantial reason to believe that Roman law directly affected the Norman approach to the law of homicide.(19) This is particularly evident in the face of the abolition of the death penalty for the Roman equivalent of murder from 384 B.C. until the end of the Republic.(20)

In the period immediately following the Norman conquest, no distinction was drawn in English law between murder and manslaughter.(21) Every homicide was felonious unless it fell within one of the excusable homicides allowed by Saxon law.(22) Through a series of developments, intricate as only English history can be, the term "murder" eventually began to apply to the most heinous form of homicide, that homicide accompanied by malice aforethought, especially when it was effected by a surprise ambush of the victim.(23) This designation was assisted in its development at first by a court policy of tempering Saxon law for the person who killed under sudden provocation(24) or by accident.(25) These developments, especially when linked to the movement away from the Saxon law typified by demise of compensation(26) and family-initiated lawsuits and appeals,(27) as well as the development of reported case law emanating from recognized courts applying a law common to the realm,(28) permitted Coke to give us the classic common law definition of murder in the late sixteenth century:

"Murder is when a man of sound memory, and of the age of discretion, unlawfully killeth within any county of the realm any reasonable creature in rerum natura under the King's Peace, with malice aforethought, either expressed by the party or implied by law, so as the party wounded, or hurt, etc. die of the wound or hurt, etc. within a year and a day after the same."(29)

(15) ibid., p. 51.

(16) ibid., Pollock and Maitland, A History of English Law (University Press, Cambridge, 1895), v. 1, pp. 88-89.

(17) W.S. Holdsworth, supra, n. 4, (v. II), p. 51.

(18) ibid., pp. 43-54; (v. II), pp. 372-375; (v. IV), pp. 492-531.

(19) A. Harding, A Social History of English Law (Harmondsworth, Middlesex, 1966) and H.F. Jolowicz, Historical Introduction to the Study of Roman Law (University Press, Cambridge, 1932), pp. 407-409.

(20) H.F. Jolowicz, ante, n. 19.

(21) J.W.C. Turner, Kenny's Outlines of Criminal Law (19th ed.) (University Press, Cambridge, 1966), p. 147.

(22) W.S. Holdsworth, supra, n. 3 (v. II).

(23) ibid., (v. IV) at 492-531 and J.W.C. Turner, supra, n. 21, p. 147

(24) J.W.C. Turner, ante, p. 145.

(25) ibid., p. 146.

(26) W.S. Holdsworth, supra, n. 3 (v. III), pp. 372-375.

(27) ibid., (v. II), pp. 359-367.

(28) ibid., (v. IV), pp. 285-286.

(29) 3 Inst. 47.

Coke's definition of murder remains the accepted definition in England, even to the present day.(30) English courts have, of course, developed a great body of law around it, much of it along the lines of the Canadian definitions presented in Chapter 2.(31) One of the advantages of Coke's clear statement on the law of murder was the development of a distinct body of law relating to manslaughter, which has customarily been defined in the negative as an unjustifiable homicide that does not amount to murder.(32) Murder and manslaughter are the two principal forms of homicide under modern English law, but certain other forms of homicide are, or have been, prohibited. Suicide was at one time an offence, although it no longer is.(33) Infanticide, the third form of Canadian culpable homicide, was created by statute in England, partially to reduce the offence from murder.(34) A separate statutory offence of child destruction developed to overcome the requirement of Coke's definition of murder which, as interpreted by the Courts, required the infant victim to have been wholly expelled from the mother's body and living.(35) This statute is today the subject of some confusion because it appears to overlap with an abortion statute, a confusion compounded by the legalization of abortion under certain conditions.(36) One final form of homicide which remains the law in England dates from 1351 and punishes as treason the killing of "the chancellor, treasurer, or the King's justices, being in their places, doing their offices".(37)

The English history of punishment for homicide has not been so complex as the development of definitions for homicide. Saxon law, as has been noted, provided for death, compensation, or banishment with the potential for death.(38) In the period immediately following the Norman invasion, before the distinction was drawn between manslaughter and murder, unjustifiable homicide was, particularly after the demise of Saxon law, punishable by death.(39) This requirement was tempered by the availability of "benefit of clergy" (by which certain members of the clergy were exempt from some parts of secular law) and the use of the royal prerogative of mercy in cases which later would amount only to manslaughter.(40) In 1496, benefit of clergy was removed for what was considered an aggravated form of murder, petty treason, which consisted of the killing of one's master, husband or ecclesiastical superior.(41) In 1547, benefit of clergy was removed for all forms of homicide committed with malice aforethought, i.e., murder.(42) In 1752 during the century in which capital punishment crimes increased from fifty to over two hundred and twenty, a special Act was passed to aggravate the suffering of murderers under the argument that "hanging is not enough".(43) Women convicted of high or petty treason, which could include

(30) J.C. Smith and B. Hogan, Criminal Law (3rd ed.) (Butterworth's, London, 1973), p. 211.

(31) ibid., pp. 211-259.

(32) J.W.C. Turner, supra, n. 21, pp. 184-185.

(33) J.C. Smith and B. Hogan, supra, pp. 268-271.

(34) ibid., pp. 271-272 and J.W.C. Turner, supra, n. 21, p. 195, but sec 21 Jac. 1, c. 27 (1623).

(35) J.C. Smith and B. Hogan, ante, p. 212.

(36) ibid., pp. 272-274.

(37) ibid., pp. 640-641.

(38) W.S. Holdsworth, supra, n. 4, (v. II).

(39) J.W.C. Turner, supra, n. 21, p. 193 and L. Radzinowicz, A History of English Criminal Law (v. I) (Stevens and Sons, Ltd., London, 1948), p. 628.

(40) W.S. Holdsworth, supra, n. 4, (v. II).

(41) 12 Hen. 7, c. 7 (1496).

(42) 1 Edw. 6, c. 12 ss. 10 and 13 (1547).

(43) 25 Geo. 2, c. 37 (1752).

certain forms of homicide and, in the cases reported, usually dealt with homicide by poisoning of a husband were, by the eighteenth century, spared some of the indignities imposed upon men in such cases and were killed by burning.(44)

Manslaughter, once it developed as a separate offence, was not generally punishable by death.(45) It was made punishable by death in 1604 for the particular circumstance of a killing done by stabbing when the victim's knife had not been drawn.(46) It retained benefit of clergy much longer than did murder.(47) In most cases it was punishable by burning in the hand and forfeiture of goods or, alternatively, a fine which could be supplemented by one year's imprisonment.(48) By 1861 it was settled law that the maximum punishment for manslaughter was imprisonment for life and murder was always punishable by death.(49)

This situation remained unchanged until 1957 when the Homicide Act distinguished certain forms of murder as capital and provided the death penalty in such cases and life imprisonment in all other forms of murder.(50) In 1965 these distinctions were withdrawn and the death penalty for all forms of murder was suspended.(51) In 1969, suspension of the death penalty for murder was made permanent.(52)

The decision of the United Kingdom in 1969 to permanently abolish the death penalty for murder was preceded by a series of developments over several years, some of which were later to play an influential role in Canadian developments on the same question. The 1969 action was in fact the culmination of nearly two hundred years of serious discussion on the merits of capital punishment generally.(53) By the date of Canadian Confederation the number of capital offences in England had been reduced to four: murder, piracy, treason and arson in Her Majesty's shipyards.(54) Sporadic efforts to abolish the death penalty met with little success during the late nineteenth and early twentieth century.(55) Since 1838 the death penalty has been used in England only for treason in times of war and murder.(56)

The first truly significant development in modern times occurred when a Labour Government in England introduced a Criminal Justice Bill in November, 1947.(57) The government had been expected to include a section on capital punishment, but failed to do so. Strong pressure from backbenchers in the Labour Government, led by M.P. Sydney Silverman, led to a free vote (except for ministers and junior ministers) on an amendment to the Bill. The amendment called for a five year suspension of capital punishment for murder with life imprisonment as the substituted sentence. Remarkably, the amendment was approved by the House.(58) It was, however, soundly defeated in the

(44) L. Radzinowicz, supra, n. 39, p. 209 et seq.

(45) ibid., p. 630.

(46) 1 Jac. 1, c. 8 (1604).

(47) L. Radzinowicz, supra, n. 39, p. 630.

(48) ibid.

(49) Offences Against the Person Act, 1861 (24 and 25 Vict. c. 100) s. 2.

(50) Homicide Act, 1957, (5 and 6 Eliz. 2, c. 11).

(51) Murder (Abolition of Death Penalty) Act, 1965 (13 and 14 Eliz. 2, c. 10).

(52) By virtue of affirmative resolutions of both House of Parliament on 16 and 10 December, 1969.

(53) E.O. Tuttle, The Crusade against Capital Punishment in Great Britain (Stevens and Sons, Ltd., London, 1961).

(54) ibid.

(55) ibid.

(56) C. Hollis, The Homicide Act (Victor Gollancz Ltd., London, 1964), p. 10.

(57) E.O. Tuttle, supra, n. 53, ch. 6.

(58) ibid.

House of Lords.(59) The Government then returned to the House of Commons with a compromise Bill which proposed to restrict capital punishment to certain specific forms of murder.(60) It, too, cleared the House of Commons, but was soundly defeated in the upper chamber.(61) Eventually the Criminal Justice Bill was approved without any reference to the capital punishment issue.(62)

These events led to the appointment in 1948 of a Royal Commission on Capital Punishment.(63) The Commission's terms of reference were not to include the question of abolishing the death penalty, but only the possible means of limiting its use.(64) The Commission, operating under the chairmanship of Sir Ernest A. Gowers, carried on its work from 1949 until 1953.(65) In its final report, the Commission stated it could not recommend that it was practical to establish classes or degrees of murder so as to render some of them subject to the death penalty and some others not.(66) On the other hand, the Commission concluded that the outstanding defect of the law of murder was that it provided a single punishment for a crime in which the defendants possess widely varied degrees of culpability.(67)

The Homicide Act, adopted in 1957,(68) divided murders into capital and non-capital. Capital murders were murders committed by shooting or explosion, murder in the course of theft, murder of a police officer acting in performance of duty (or anyone assisting an officer), murder of a prison guard acting in performance of duty (or anyone assisting the guard) and murder in the course of resisting a lawful arrest or assisting an escape from custody.(69) Other murders were to be punished by imprisonment for life.(70)

In November of 1965, Royal Assent was given to an Act which began as a private member's bill which called for abolition of the death penalty for murder for a five year period.(71) By virtue of affirmative resolutions of both Houses of Parliament on December 16 and 18, 1969, the 1965 Murder (Abolition of Death Penalty) Act was made permanent.(72)

(59) ibid.

(60) ibid.

(61) ibid.

(62) ibid.

(63) ibid.

(64) Report of the Royal Commission on Capital Punishment 1949-1953, (Her Majesty's Stationery Office, London, 1953), p. iii.

(65) ibid., pp. 1-4.

(66) ibid., pp. 167-189.

(67) ibid., p. 25 et seq.

(68) C. Hollis, supra, n. 56, pp. 23-57.

(69) Homicide Act, supra, n. 50, s. 5.

(70) ibid., ss. 7 and 9.

(71) Murder (Abolition of Capital Punishment) Act, supra, n. 51.

(72) J.C. Smith and B. Hogan, supra, n. 3, p. 233.

II. Historical Development of Contemporary Canadian Law of Homicide

Under the Treaty of Paris, following the capture of Quebec and Montreal, the King of England was empowered to impose the English legal system on New France.(1) This he did by Royal Proclamation on October 7, 1763.(2) When the Quebec Act of 1774 gave back the Civil Law of Property to New France, the Act specifically provided that English criminal law would remain in force there.(3)

While this clause became of obvious importance in time, it did not significantly affect the law of homicide in New France. Both the French and English carried their laws with them, of course, but in 1763 the French law of homicide closely paralleled the English, except in the court procedure used to enforce it.(4)

The French and English had adopted different approaches to the Native Peoples' law of homicide.(5) The French, who apparently were more successful than the British in securing friendly relations with the Native Peoples, considered from the outset that the indigenous population was fully subject to French civil and criminal law.(6) British policy in these matters differed significantly, at least until 1826.(7) In that year an Indian was convicted by a British court in Upper Canada of the murder of another Indian, but the court stayed the execution until a search of the treaties disclosed that none of them could "give color to the idea that an Indian is not to be considered as amenable to the law for offences committed against another Indian within His Majesty's dominion".(8)

It cannot be stated with any certainty whether or not either of these positions was successful for homicides that occurred when Native Peoples were outside the watchful eye of the British and French, but there is evidence that this rule was applied if the killing occurred in, for example, white settlements.(9) Native Peoples who faced homicide charges in the settlers' courts were probably disadvantaged thereby because the evidence, though sketchy, indicates that their own law of homicide was, for most tribes, less severe than the English or French law on the subject.

There is no comprehensive evidence detailing the Native Peoples' approach to homicide, so that what is said here applies only to those tribes for which information is available. The variations in culture, religion, and social organization of the different Native Peoples who met the white settlers was so great that it would

(1) J.D. Whyte and W.R. Lederman, Canadian Constitutional Law (Butterworth's, Toronto, 1975), pp. 29-37.

(2) ibid.

(3) ibid.

(4) See E.M. Bonehard, Guide to the Law and Legal Literature of France (Library of Congress, Washington, 1931), p. 167 et seq. and J.A. James, English Institutions and the American Indian (John Hopkins Press, Baltimore, 1894), pp. 13-14.

(5) D.G. Smith (ed.), Canadian Indians and the Law: Selected Documents 1663-1972 (McClelland and Stewart, Toronto, 1975), pp. XIV to XXVIII, 21 and 27.

(6) ibid., p. 27

(7) ibid., pp. 21-24.

(8) ibid., p. 23.

(9) ibid., pp. XIV to XXVIII.

be incorrect to state categorically that any single approach to homicide was utilized by Native Peoples. Still, some general statements can be made regarding the few tribes for which information is available.(10)

Murder was probably seen by most Native Peoples in very much the same way the Saxons had viewed it before the Norman invasion.(11) It was a threat to the integrity and security of the tribe and was usually seen as the most serious offence known to the tribe. The Native Peoples' response to murder, as near as can be told, closely approximated the Saxon response. The accidental taking of life was treated differently from intentional killing, but both were punished.(12) The form of punishment, which varied from tribe to tribe, included payment of compensation to the victim's family, death as an act of revenge, or banishment.(13) Apparently some Plains Indians had only banishment as penalty and even that was not for life.(14) Payment of compensation may, in some tribes, have been required of the killer's family and in other tribes required of an entire village.(15) Failure to pay compensation sometimes resulted in wars.(16) Some tribes provided for banishment as the failure to pay compensation.(17) The penalty of death was in some cases carried out by the avenging family and in some others by the tribe itself through an appointed person.(18) The sentence of death among some Native Peoples required that the killer be killed in precisely the same manner he or she killed.(19)

The Treaty of 1763, although it brought English criminal law to New France, did not give to the colonies a uniform approach to homicide. This did not come until two years after Confederation when the Federal Parliament of Canada, pursuant to the criminal law power given to it under the British North America Act, moved to consolidate the criminal law of Canada by the enactment of numerous laws dealing with criminal matters, including homicide.(20) Prior to 1869, and indeed after that date in Crown colonies that had not yet joined Confederation, the law prevailing in the colonies varied slightly from place to place.(21) By and large the British law was in force, subject to changes made by legislative assemblies and approved by Royal Assent.(22)

The final act of consolidation, the Bill Respecting the Criminal Law, gave Canada its Criminal Code in 1892.(23) From that date until 1961 the law of homicide

(10) See generally D.G. Smith, supra, n. 5; M. Nagler, Perspective on the North American Indians (McClelland and Stewart, Toronto, 1972); H.F. McGee, The Native Peoples of Atlantic Canada (McClelland and Stewart, Toronto, 1974); R. Strickland, Fire and the Spirits (University of Oklahoma Press, Norman, 1975); K.N. Llewellyn, The Cheyenne Way (University of Oklahoma Press, Norman, 1941); and A.E. Hippler and S. Conn, Traditional Athabaskan Law Ways and their Relationship to Contemporary Problems of Bush Justice (Institute of Social, Economic and Government Research, Fairbanks, Alaska, 1972).

(11) H.F. McGee, supra, n. 10, p. 40; M. Nagler, supra, n. 10, pp. 49-51.

(12) K.N. Llewellyn, supra n. 10, pp. 134-138; M. Nagler, supra, n. 10, pp. 49-51.

(13) H.F. McGee, supra, n. 10, p. 40; M. Nagler, supra, n. 10, pp. 49-51; R. Strickland, supra, n. 10, p. 174.

(14) K. N. Llewellyn, supra, n. 10, p. 134.

(15) M. Nagler, supra, n. 10, pp. 49-51.

(16) ibid. and H.F. McGee, supra, n. 10, p. 40 et seq.

(17) ibid.

(18) R. Strickland, supra, n. 10, p. 168 et seq.

(19) M. Nagler, supra, n. 10, pp. 49-51.

(20) A. Mewett, "The Criminal Law, 1867-1967", Can. Bar Review, v. 45, 1967, p. 726.

(21) ibid.

(22) ibid., and J.D. Whyte and W.R. Lederman, supra, n. 1.

(23) Criminal Code 1892 (Can.), c. 29.

in Canada remained largely unchanged.(24) Murder, as defined earlier in this chapter, always required the death penalty, and manslaughter carried a maximum punishment of life imprisonment.(25) While murder could be committed in a variety of ways, all of them resulted in the penalty of death. There were no degrees of murder. In 1961, however, that situation changed when the Parliament of Canada divided murder into capital and non-capital murder, with capital murder resulting in the death penalty and non-capital murder in a mandatory sentence of life imprisonment.(26)

The 1961 amendment to the law of murder was preceded by a series of developments in Canada, dating back to 1914. In that year a private member's Bill was introduced, calling for abolition of capital punishment in Canada.(27) It failed, of course, but it was the first such Bill.(28) By 1948 there was increasing evidence that capital punishment was becoming such an issue in Canada that it deserved Parliamentary attention.(29) In that year the Minister of Justice introduced a Bill amending the Criminal Code by creating a new category of homicide to be known as infanticide.(30) Prior to that time the act of a mother in killing her newly-born child was either murder or manslaughter, depending on whether or not the act fell within one of the described circumstances defined as murder.(31) The Bill, therefore, effectively reduced the penalty for this homicide to a maximum term of five years and was thus seen as an indirect attack on the capital punishment provisions of the Code.(32)

First in 1950,(33) and again in 1953,(34) direct frontal attacks on capital punishment came in the form of private member's Bills which sought the complete abolition of the death penalty. Both Bills were withdrawn by their sponsor at different stages of the proceedings and for different reasons.

In 1954 a Committee appointed to review the Criminal Code produced its report. It removed rape from capital punishment offences, but left untouched the law of murder.(35) The committee did suggest, however, that the subject of capital punishment should be studied, in addition to certain other issues, by a Royal Commission or Joint Committee of the House and Senate.(36) A Joint Committee of the House and Senate was subsequently created to study the issues of capital punishment, corporal punishment and lotteries.(37)

(24) Compare ss. 227 and 228 of 1892 Code with ss. 201 and 202 of Criminal Code 1953-1954 (Can.) c.51.

(25) Hon. G. Favreau, Capital Punishment: Material Relating to its Purpose and Value (Queen's Printer, Ottawa, 1965).

(26) An Act to Amend the Criminal Code (Capital Murder), 1960-61 (Can.) c. 44.

(27) Hon. J.P. Goyer, Capital Punishment New Material 1965-1972 (Queen's Printer, Ottawa, 1972), p. 51, referring to "Peine de mort, peine perdue", Maintenant (43-44), 1965, Montreal, p. 241.

(28) ibid.

(29) ibid., p. 51 et seq. and C.H.S. Jayewardene, The Canadian Experiment with the Penalty of Death (1973), pp. 2-3. Mimeo.

(30) Criminal Code Amendments, 1948 (Can.) c. 39, s.7.

(31) Criminal Code 1892 (Can.), c. 29, ss. 219 and 227.

(32) C.H.S. Jayewardene, supra, n. 29.

(33) Canada (1950) Debates, House of Commons 21st Parliament, 2d session, p. 37.

(34) C.H.S. Jayewardene, supra, n. 29, pp. 3-4.

(35) The Criminal Code, 1953-54 (Can.), c. 51 s. 136 and 206.

(36) C.H.S. Jayewardene, supra, n. 29, p. 4.

(37) ibid.

The Committee's terms of reference, unlike those of the Gowers Commission in England, included consideration of the issue of abolition or retention of capital punishment.(38) There was an unsuccessful attempt to have the Government cease executions during the term of the Committee.

The Committee filed its Final Report on June 27, 1956.(39) On the primary issue, the retention or abolition of capital punishment, the Committee took the view that the public interest required that it be retained as the mandatory penalty for murder.(40) Women should be subject to it equally with men, but in light of "the invariable practice" of commuting death sentences of persons under 18 it recommended a change in the law to that effect.(41) The Committee further recommended that capital punishment should be subjected to periodic review by Parliament and that if "the United Kingdom Parliament abolishes capital punishment, the experience of that country after abolition may be of assistance to Canada".(42)

With respect to the question of redefining murder or creation of degrees of murder to "take into account the difference in moral culpability between different types of homicides", the Committee concluded that neither was appropriate for Canada.(43)

Despite its very adamant position on retention of capital punishment as the mandatory sentence for murder, the Committee concluded "that certain procedural changes are desirable if capital punishment is retained". These included Criminal Code provisions guaranteeing every person charged with murder of being fully advised, prior to trial, of the facts to be used in prosecution of the case; the guarantee of "the benefit of the advice and defence of competent, experienced counsel at all stages" of the proceedings.(44) Pleas of not guilty should be entered automatically for the defendant so that the case can proceed to trial without the potential of a faulty plea of guilty.(45) It suggested that customary rules of appeal be abandoned in capital cases and that automatic appeals be instituted before both the provincial Court of Appeal and the Supreme Court of Canada.(46) Finally, the Committee recommended that electrocution, or possibly the gas chamber, replace hanging as the method of executing the death penalty.(47)

The publication of the Report of the Joint Committee was followed, in each succeeding year until 1960, by the introduction of private member's Bills calling for the restriction of capital punishment.(48) While none of the Bills were enacted into law, they did serve to keep the issue of capital punishment before the House.(49)

In 1960 the Government responded through Bill C-92, An Act to Amend the Criminal Code (Capital Murder).(50)

(38) Report of the Joint Committee of the Senate and House of Commons on Capital Punishment (Queen's Printer, Ottawa, 1956), p. 3.

(39) Report, supra, n. 34.

(40) ibid., p. 14 et seq.

(41) ibid., p. 18

(42) ibid., p. 16.

(43) ibid., pp. 16-17.

(44) ibid., p. 19.

(45) ibid.

(46) ibid., pp. 19-20.

(47) ibid., pp. 21-22.

(48) C.H.S. Jayewardene, supra, n. 29, pp. 6-7.

(49) ibid.

(50) 1960-1961 (Can.), c. 44.

The Bill, which cleared the House of Commons by a vote of 139-21, rejected the Joint Committee's recommendations regarding degrees of murder and divided murder into capital and non-capital. Capital murder was to be mandatorily punished by death while non-capital murder was to be mandatorily punishable by life imprisonment.(51)

Three forms of murder would constitute capital murder. Planned and deliberate murders, or murder of a police or custodial officer who was killed in the line of duty, were to be capital murders.(52) Also to be included was murder committed in the course of certain other criminal acts, provided that the person convicted be the person who actually caused the death, or counselled or procured someone else to do it.(53)

Although the Bill diverged from the recommendations of the Joint Committee on the division of murder into types, it did enact some of the proposed changes contained in the Report. Persons who were under eighteen at the time of the commission of the offence were to be sentenced to life imprisonment for capital murder.(54) An automatic plea of not guilty would be followed in cases of conviction of capital murder by an automatic appeal both to the provincial Court of Appeal on issues of both law and fact.(55) The Act did not provide for full disclosure of the Crown's case to the defendant before trial and it deviated slightly from the Committee's recommendations regarding sentencing discretion and clemency.(56)

Bill C-92 became law on July 13, 1961.(57) It did not, however, remove the issue of capital punishment from the House of Commons. During the following session and then in 1963, private member's Bills to abolish capital punishment except in cases of treason were introduced without success.(58) Questions were asked of the government concerning the number of persons awaiting execution and the methods of execution.(59)

However, the first major debate on the death penalty in Canada took place in the House of Commons in the spring of 1966. A resolution proposed that the House resolve "that it is expedient to introduce a measure to amend the Criminal Code" to the effect that capital punishment be abolished and that it be replaced with life imprisonment for which release on parole would be available only with approval of the Governor in Council.(60) The resolution was debated on March 23, 24, 28 and again on April 4 and 5 before being rejected.

Several unsuccessful efforts were made to add amendments to the resolution.

Following the defeat of the resolution in April, 1966, the Government sponsored a new Bill dealing with capital punishment, Bill C-168 which eventually became law on December 21, 1967; this Bill made very few changes in existing legislation.(61)

(51) ibid., s. 2.

(52) ibid., s. 1.

(53) ibid.

(54) ibid., s. 2.

(55) ibid., s. 8.

(56) ibid., s. 13.

(57) An Act to Amend the Criminal Code, supra, n. 26.

(58) Canada (1962) Debates: House of Commons 25th Parliament, 1st session, p. 2487;

Canada (1963) Debates: House of Commons 26th Parliament, 1st session, p. 375.

(59) Canada (1963) Debates: House of Commons 25th Parliament, 1st session, pp. 3382, 3386-3387.

(60) Canada (1966) Debates: House of Commons 27th Parliament, 1st session, p. 3067.

(61) An Act to Amend the Criminal Code, 1966-1967, (Can.), c. 15.

It retained the distinction between capital and non-capital murder, and retained the requirement that persons convicted of capital murder must be sentenced to death and persons convicted of non-capital murder must be sentenced to life imprisonment. It redefined capital murder in such a way that only the second type of capital murder (the police officer and prison guard category) in the 1961 legislation remained in the law.(62) The two other types of capital murder under the 1961 law became non-capital murder. Thus, capital murder was restricted to cases in which the accused has caused or assisted in causing or counselled or procured a third person to cause the death of a person who died while acting in the course of his or her duty as either a police or custodial officer.(63) The Bill further provided that a person sentenced to life imprisonment, either as a minimum sentence for non-capital murder or as a commutation of a death sentence, could not be released from prison without the prior approval of the Governor in Council.(64) The Bill also provided that these changes in the law were to last five years, unless further extended by law.(65) The Bill did not affect the use of the death penalty for either treason or piracy.(66)

The Bill was debated on the floor of the House of Commons for all or part of ten days between November 9, 1967, and November 30, 1967, when the Bill was passed, on a free vote, on third reading.

The 1967 Debate in the House of Commons, as well as in the Senate,(67) was to be the last full debate on capital punishment in either Chamber of Parliament until the first session of the 29th Parliament in 1973, when the 1967 provisions were extended by Bill C-2 to December 31, 1977.(68)

It is interesting to note that between December 30, 1972 and January 1, 1974 (the date on which Bill C-2 became law), the law in Canada pertaining to homicide returned temporarily to the position set out in the 1961 Amendments.

Though capital punishment was never abolished nor completely suspended, no one has been subjected to it in Canada since 1962; the majority of death sentences since then have been commuted to life imprisonment, with a small number currently pending judicial or Cabinet review.

(62) ibid., s. 1.

(63) ibid.

(64) ibid., s. 2.

(65) ibid., s. 4.

(66) The Criminal Code, R.S.C. 1970 ch. C-34, s. 47, 75.

(67) For details see Hon. J.P. Goyer, supra, n. 27, pp. 55-56.

(68) The Criminal Law Amendment (Capital Punishment) Act, 1973, (Can.), c. 38.

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GLOSSARY

Acquitted: When an accused person is found, by trial, not to be guilty of an offence with which he has been charged, he is acquitted and the judge or magistrate immediately discharges him in respect of that offence.

Acquitted on Account of Insanity: Insanity means to be of unsound mind so as to not be able to distinguish between right or wrong. Therefore, if a person is found to be insane at the time the offence was committed, he/she can be acquitted on account of insanity and be kept in strict custody at the pleasure of the Lieutenant Governor of the province.

Adjournment Sine Die: An indefinite postponement, or adjournment.

Avoiding Arrest: The act of attempting to resist apprehension or arrest. This does not include escaping or attempted escape from custody.

Breaking and Entering: Entering "a place" (house, office etc.) with intent to commit an offence; it is not essential that force be used in "breaking".

Business Firms: Primarily large retail businesses (e.g., Department Stores, Brewers Retail) and all non-retail firms (e.g., Scrapdealing, Stevedores, Cartage Firm, Taxicab Company, Oil Company Plant, Linen Company, Metal Shop, Company Garage, Bowling Alley, Pool Room).

Business Relationships: Established relationships between persons such as,

- (a) fellow workers (unless closer relationship is known);
- (b) superordinate-subordinate roles (e.g., landlord-tenant, employer-employee, teacher-student);
- (c) business partners;
- (d) such informal remunerative relationships as live-in babysitting.

This category does not include such relationships as bartender-customer, taxi driver-customer.

Casual Acquaintances: Persons in a social relationship which had been established prior to the murder incident. These relationships were not particularly intense or close, or were known only to be established relationships for which the information required to specify the particular nature of the relationship is not available. For example,

- (a) the relationship between a mother and her daughter's boyfriend;
- (b) the relationship between persons involved in private social gatherings such as drinking parties;
- (c) fellow inmates in penal and mental institutions.

The context and circumstances of a murder incident are often the basis for defining the suspect-victim relationship as "casual acquaintances".

Cleared by Charge: An offence is "cleared by charge" when an Information (an accusation presented under oath by a prosecuting or arresting officer) is laid against at least one person whose identity is established. In cases of murder, the charge of murder is generally laid by the Police on the instruction of the Crown Prosecutor.

This includes arrests, summonses to appear, appearance notices and warrant to apprehend. The offence is "cleared by charge" at the time an Information is laid even though the accused may not be arrested or brought before the court.

Cleared Otherwise: In certain situations, the police may not be able to clear the offence by charge even though they have identified the suspect and have sufficient evidence to justify the laying of an Information.

Some examples are as follows: the suspect has died, the suspect has been committed to a mental hospital and it is unlikely he will be released, or the suspect is in a foreign country and cannot be returned.

Note: Those suspects who committed suicide constitute a separate group from those who have been "cleared otherwise".

Close Acquaintances: Persons who were known to have established long-term relationships. Only relationships for which there is information which clearly indicates that the relationship is of this intensity are included in this suspect-victim relationship type.

Common-law Family: Common-law husbands, wives, their children from other unions, and their relatives are considered to be members of the common-law family. Children born to common-law spouses are classified as immediate family members; thus, when killed by a parent, such incidents are designated as immediate family rather than common-law homicides.

Conditional and Absolute Discharges: The judge has power in some circumstances of not convicting a person who has been found guilty or who has pleaded guilty. Under certain conditions, the judge may, instead of convicting the accused, discharge the accused absolutely or upon conditions in a probation order.

Convicted: When an accused is found, by trial, to be guilty of an offence, he is convicted and the judge or magistrate will endorse the information and will sentence the accused or otherwise deal with him/her in a manner authorized by law.

Death Commuted to Life Imprisonment: When a person is sentenced to death, the governor-general in council, that is, the federal cabinet, can exercise the prerogative of the royal pardon and commute the death sentence to life imprisonment.

Domestic Relationship: A combination of immediate family, other kinship relationship, and common-law family categories.

During Commission of Another Criminal Act: Murder in which another criminal act (i.e., other than homicide) precedes or is the precipitating act of a murder (e.g., robbery, sex assault, abortion) is defined as this type. Another criminal act must precede or be the context of the murder. (This is the definition which has been used for purposes of statistical analysis and is not entirely identical to the legal definition contained in Section 213 of the Criminal Code.)

Escape: The act of escaping or attempting to escape from an institution and/or from apprehension by police.

Gangland: Murder incidents reported by the police to be underworld murders or settling of accounts.

Grand Jury: A jury called to hear evidence produced by the Crown and to issue indictments (see definition of "indictment") when it believes that a crime has been committed.

Four provinces still retain the use of Grand Juries, Ontario, Newfoundland, Prince Edward Island, and Nova Scotia.

Grocery Stores: In this study are almost entirely small neighbourhood stores.

Homicide: A general category which includes any act in which the life of one person is lost at the hands of another person. Includes capital murder, non capital murder, murder-type not specified, manslaughter, and infanticide as defined and reported by the police.

Immediate Family: Persons who are related to each other as husband, wife, father, mother, son, daughter, brother, or sister are considered to be in an "immediate family" relationship.

Incident: The occurrence of one or more criminal offences in one single, distinct event (i.e., at one place and one time). An incident may include more than one suspect, and/or more than one victim killed at a single point in time in the same location and circumstances.

Indecent Assault: A sex assault upon either a male or female in which a rape did not take place but in which a sexual molestation did take place.

Indictment: A formal written charge of a serious crime, requiring formal trial proceedings when the charge is heard.

Infanticide: A mother commits infanticide if she intentionally, by some act or omission, causes the death of her newborn child while she is mentally disturbed as an aftereffect of childbirth. The maximum punishment is imprisonment for five years.

Intermittent Sentence: When a sentence of imprisonment does not exceed 90 days, the sentencing judge can specify the times when the intermittent sentence will be served. During the periods when the accused is not in custody, he/she must comply with a probation order.

Life Sentence: A person sentenced to life imprisonment must serve a minimum of ten years of that sentence before he/she becomes eligible to be released on parole. In special cases, parole is sometimes granted before the minimum sentence has been served.

Lovers' Quarrel or Love Triangle: Personal relationships of the following kinds comprise this category: fiancé/fiancée, boyfriend/girlfriend, mistress/lover, and homosexual relationship.

Manslaughter: Manslaughter is culpable homicide that is not murder, infanticide, or death caused by criminal negligence.

Metropolitan Area: That portion of an urban area defined as "Urban Core" by Census (see Catalogue 92-708 Vol. 1, Part I; Bulletin 1.1-8, 1971). They often include more than one police jurisdiction. It is important to note that homicide victims found outside a particular metropolitan area but for which information is available indicating that the killing or death took place within that area are defined as homicide incidents within that metropolitan area. This is also applicable to incidents in which the victim(s) was abducted within a particular metropolitan area and taken to its fringe and murdered. Thus murders defined as taking place within a certain metropolitan area may be the responsibility of police departments other than those of the particular metropolitan area.

Miscellaneous Crimes: Is an aggregate category which includes the crimes of abortion, arson, avoiding arrest, escape, bombing, and others.

Muggings: The act of assault usually from behind, with the intent to rob. It is a specific type of robbery.

Murder: Prior to September 1961, all murder was considered capital and the only possible sentence was the death penalty. After September 1961, it was divided into capital and non-capital murder. Capital murder was premeditated murder or the murder of a police officer, prison guard etc., or murder during the commission of another criminal act. The penalty was death. All other types of murder were considered non-capital, and were punished by mandatory life imprisonment. In December 1967, the Criminal Code sections dealing with murder were amended again, this time for a five-year trial period. Capital murder then referred only to the murder of a "law officer, warden", etc. The required penalty was death. Non-capital murder referred to all other kinds. Life imprisonment is the minimum penalty. This trial period was extended for another five years in 1973 and the legal terms "capital murder" and "non-capital murder" were changed to "murder punishable by death" and "murder punishable by life imprisonment" respectively.

"Murder, type not specified", indicates that in some cases the type of murder is not specified because the police for a number of reasons are unable to charge (or occasionally to apprehend) the suspected offender(s). Nearly all of these "murder, type not specified" cases involve suspects who committed suicide before being charged.

No Known Relationship: Solved murder incidents in which there is no known prior established relationship between the suspect and victim are defined as being of this relationship type. There are two groups within this category:

- (a) Relationship Unknown: when information on the relationship of the suspect and victim is not available, the murder incident is included in this sub-category.
- (b) No Prior Relationship: incidents in which there is known or believed to be prior relationship between the suspect and victim are included in this sub-category. This sub-category does not include solved murder incidents in which the suspect murdered during commission of another criminal act.

Offence: An offence is numerically equivalent to a victim; that is, for each murder victim, one offence is counted.

Other Kinship: Persons who are related to each other in the following ways are considered to be in an "Other Kinship" relationship: grandfather, grandmother; grandson, granddaughter; uncle, aunt; nephew, niece; cousin; stepfather, stepmother; stepson, stepdaughter; stepbrother, stepsister; father or mother-in-law; son or daughter-in-law; brother or sister-in-law; foster parent; foster brother or sister.

Other Lesser Offences: A term which designates such offences as attempted murder, wounding, assault robbery and (prior to 1974) infanticide. This term is used in this and all other Justice Statistics Division publications on homicide and murder in reference to persons originally charged with murder who were tried for and/or ultimately convicted of some offence other than murder or manslaughter.

Parole: A procedure whereby an inmate of a prison who is considered suitable may be released, at a time considered appropriate by a parole board, before the expiration of this sentence so he may serve the balance of his sentence at large in society but subject to stated conditions, under supervision, and subject to return to prison for completion of his sentence if he fails to comply with the conditions governing his release.

If parole is violated it may be revoked by order if there is a breach of conditions of the parole or it may be forfeited if there is a conviction for an indictable offence punishable by two years or more, if the offence is committed while the person is on parole.

Preliminary Hearing: A hearing given a person, charged with a crime, by a magistrate or judge to determine whether he/she should be held for trial, (i.e., sent to trial).

Prior Relationship: Established relationships between the suspect and victim which existed prior to the murder incident.

Probation: A type of disposition imposed on an individual which is served in the community, under certain conditions, while under supervision of a court or court-designated person or agency.

Rape: A male person commits rape when he has sexual intercourse with a female person, who is not his wife, without her consent and against her will.

Rate: Rates, are computed on the basis of 100,000 population, unless otherwise stated. Population figures are taken from Census publications, and for years other than 1961, 1966, and 1971, these figures are projections.

Robbery: Acts of robbery include stealing with violence, threats of violence, and while armed. In this study, "Robbery with Violence", is in certain instances not defined as robbery but as "mugging".

Sex-Motivated: Murder incidents categorized under "Sexual assaults" in which the suspect did not sexually attack the victim but had previously made sexual advances (degree or intensity of advances are unknown) and after they were rejected murdered the victim are defined as sex-motivated acts. Rejection of advances and/or sexual frustration was perceived to be the motivation for the murder. Sex-motivated murders are somewhat different from, but have been included as a sub-category of, sexual assault murders.

Sexual Assault: Murders which were preceded or accompanied by rape or indecent assault, or were sex-motivated, are defined as sexual assault murder incidents.

Small Stores: Such small retail stores as tailor shops, pawn shops, watch shops, jewelry stores, drug stores, book stores, clothing stores, variety stores, and fire arms stores.

Social and Business Relationships: This is an aggregate category of four detailed suspect-victim relationship categories: lovers' quarrels or love triangles, close acquaintances, casual acquaintances, and business relationships.

Stay of Proceedings: A temporary deferment of court proceedings or of the judgement arising from such proceedings.

Suspect(s): Adult suspects, are persons 16 years of age or over, or such other age as may be defined by the province. By province, adult suspects compose those who are the following ages:

- (a) Sixteen years or over — Prince Edward Island, Nova Scotia, New Brunswick, Ontario, Saskatchewan, Northwest Territories, and Yukon.
- (b) Seventeen years or over — Newfoundland.
- (c) Eighteen years or over — Quebec, Manitoba, British Columbia.
- (d) Alberta — Males: 16 years or over.
Females: 18 years or over.

Juvenile suspects — are persons under the age of 16 years, or such age as may be defined by the province. By province, juvenile suspects compose those who are the following ages:

- (a) Under 16 years (i.e., 7-15 years): Prince Edward Island, Nova Scotia, New Brunswick, Ontario, Saskatchewan, Northwest Territories and Yukon
- (b) Under 17 years (i.e., 7-16 years): Newfoundland
- (c) Under 18 years (i.e., 7-17 years): Quebec, Manitoba, British Columbia
- (d) Alberta: Males — under 16 years (i.e., 7-15 years)
Females — under 18 years (i.e., 7-17 years).

Suspect Panics: Solved incidents of robbery murders in which the suspect loses control, and indiscriminately, without apparent reason, commits murder, are classified as incidents in which the suspect panics. This category does not include incidents in which the victim struggles with or resists the suspect.

Suspended Sentence: An order by a judge that a sentence to be imposed on a convicted individual need not be served provided that the accused complies with certain conditions usually determined by the probation order.

Trial: A judicial examination and determination, according to the law of the land, of the guilt or innocence of the accused. While there are different types of trial (by judge, by judge and jury, or by magistrate) in Canadian law, persons charged with a homicide offence must be tried by judge and jury.

True Bill: The endorsement by a grand jury that the indictment, as presented, is sustained by the evidence. If the grand jury decides that the evidence doesn't stand up, the accusation papers will be indorsed with the words "no bill" and the accused will be discharged.

Unfit to Stand Trial: A court, judge or magistrate may, at any time before a verdict, where it appears that there is sufficient reason to doubt that the accused is, on account of insanity, capable of conducting his or her defence, direct that the accused is unfit to stand trial and be confined in a mental institution until judged sane and able to stand trial.

Unsolved: Murder incidents for which there is no known suspect are classified as unsolved. This term only refers to initial police reporting and not to dispositional or court aspects. For example, in cases of acquittal, or where charges are withdrawn, etc., and no one is convicted of the murder offence, (and the incident is still defined as murder by the courts,) the incident is not redefined as unsolved.

Victim(s): Child victims - are persons who are 16 years of age or younger.
Adult victims - are persons 17 years of age or older.

Victim-Precipitated: Victim-precipitated murder incidents are a sub-category of the suspect-victim relationship category "No known relationship". They are incidents in which the victim instigated the situation which led to the victim's death. For example:

- (a) victim commits (or is committing) a criminal act prior to death; e.g., Robbery, Breaking and Entry;
- (b) victim is trespassing;
- (c) victim starts a "bar brawl" or attacks suspect;
- (d) victim makes overt, aggressive sexual advances towards the suspect.

Victim Struggles or Resists: Solved incidents of robbery murder in which the victim(s) in the robbery incident, attacks or struggles with the suspect(s), or resists the robbery attempt is classified as incidents in which the victim struggles or resists.

Waived Preliminary Hearing: The counsel for the accused, when he has complete knowledge of the evidence against his client, may, with the consent of the accused and the prosecutor, request that the preliminary hearing be waived and his client be committed to trial in a higher court.



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YOUR FILE NUMBER

Judicial Division

File Number

HOMICIDE RETURN

Date Received

SEE INSTRUCTIONS ON REVERSE SIDE

Statistics Act R.S. 1952 c. 257

Yr. Calendar Day Doc. No.

O C C U R R E N C E	1. Offence 1. <input type="checkbox"/> Murder 2. <input type="checkbox"/> Manslaughter 3. <input type="checkbox"/> Infanticide			2. Offence Data Criminal Code Section Sub Section Paragraph [][] [][] () ()		
	3. Location of Offence City - Town - Village - Rural County - Township - Municipality Province - Territory					
	4. Date of offence [][] [][] [][] AM PM		5. Time			
	6. Means of offence 1 <input type="checkbox"/> shooting 2 <input type="checkbox"/> beating 3 <input type="checkbox"/> stabbing 4 <input type="checkbox"/> strangling 5 <input type="checkbox"/> suffocating 6 <input type="checkbox"/> drowning 7 <input type="checkbox"/> arson 8 <input type="checkbox"/> other 9 <input type="checkbox"/> not stated or unknown					
V I C T I M S	7. Apparent motive 1 <input type="checkbox"/> Revenge 2 <input type="checkbox"/> Jealousy 3 <input type="checkbox"/> Anger, hatred 4 <input type="checkbox"/> Argument or quarrel 5 <input type="checkbox"/> Robbery, theft, etc. 6 <input type="checkbox"/> Sexual assault or rape 7 <input type="checkbox"/> Self-defence 8 <input type="checkbox"/> Escape 9 <input type="checkbox"/> During commission of other offence 10 <input type="checkbox"/> Inadvertent act 11 <input type="checkbox"/> Other motive 12 <input type="checkbox"/> Mentally ill or mentally retarded (insane) 00 <input type="checkbox"/> Not known					
	8. Present standing of case 1. <input type="checkbox"/> Cleared by charge Specify 2. <input type="checkbox"/> Warrant issued 3. <input type="checkbox"/> Cleared otherwise 4. <input type="checkbox"/> Not cleared			9. Court Procedure 1 <input type="checkbox"/> Arraignment 2 <input type="checkbox"/> Preliminary inquiry 3 <input type="checkbox"/> Trial 4 <input type="checkbox"/> Other: specify		
	10. Name in full (surname first) Address-include city, town, etc. Sex Age Marital Status Racial Origin					
	11. Name (Surname first) Address-include city, town, etc. F.P.S. Number Date of Arrest D M Y Sex Date of Birth Place of Birth Marital Status Racial Origin Education Give grade or degree completed Relationship to Victim 1 <input type="checkbox"/> Male 2 <input type="checkbox"/> Female 1 <input type="checkbox"/> single 2 <input type="checkbox"/> married 3 <input type="checkbox"/> widowed 4 <input type="checkbox"/> divorced 5 <input type="checkbox"/> separated 6 <input type="checkbox"/> common law					
A C C U S E D	Name (Surname first) Address-include city, town, etc. F.P.S. Number Date of Arrest D M Y Sex Date of Birth Place of Birth Marital Status Racial Origin Occupation Education Give grade or degree completed Relationship to Victim 1 <input type="checkbox"/> Male 2 <input type="checkbox"/> Female 1 <input type="checkbox"/> single 2 <input type="checkbox"/> married 3 <input type="checkbox"/> widowed 4 <input type="checkbox"/> divorced 5 <input type="checkbox"/> separated 6 <input type="checkbox"/> common law					
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12. Circumstances of alleged offence: Give brief details -						

Contributing Police Force

Signature

INSTRUCTIONS

Occurrence:

- 1 and 2. Offence — report all cases of capital and non-capital murder, manslaughter and infanticide.
3. Location of Offence — give name of city, town, or village; if rural, give section township and range or mileage to nearest town; when applicable give county, township or rural municipality; report province or territory.
4. Date of Offence — give date offence occurred (day, month, year).
5. Time — give appropriate time death occurred (a.m. or p.m.).
6. Means of Offence — indicate appropriate category. Specify any further details as to type of weapon (e.g., if a firearm was used, give type and calibre), instrument, substance, violence or other method used in causing victim's death, in section 12 — Circumstances of Alleged Offence.
7. Motive — indicate motive for crime, if possible, e.g., sexual assault, revenge, jealousy, escaping arrest or custody, while committing another offence (e.g., kidnapping, abortion, arson), etc. Any further details are to be described in section 12 — Circumstances of Alleged Offence.
8. Present Standing of Case — report whether Cleared by charge, Warrant issued, Cleared otherwise, or Not Cleared (unsolved); specify under Cleared otherwise where accused committed suicide prior to being charged or other situations; notify STATISTICS CANADA when unsolved cases are cleared.
9. Court Procedure — indicate date of "Arraignment", "Preliminary Hearing" and/or "Trial" if any of these procedures have taken place.

Victim(s):

10. Give the number of victims, their full names and aliases, address, sex, age, marital status and racial origin — if more than three victims, list details separately.
Please note: Marital Status — common-law may be combined with one of the other marital statuses.

Accused:

11. Give number of accused, their full names and aliases, address, FPS No., date of arrest, sex, date and place of birth, marital status, racial origin, occupation, education and relationship to victim — if more than three accused list details separately.
Please note: Marital Status — common-law may be combined with one of the other marital statuses.

Circumstances:

12. Give brief details of offence describing events in sequence including contributing factors, e.g. alcohol, drugs, etc. — use reverse side or separate sheet if necessary.
If a restricted firearm was used indicate if it was registered.
Please note: To assist us in an ongoing historical study on homicide, please record any known criminal record of the accused and/or victim(s) and also any previous mental history, if applicable.

